

16th JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN
STATE OF LOUISIANA

NO. 85926-A

DIVISION:

GILBERT DUGAS
VERSUS
ACE AMERICAN INSURANCE COMPANY, ET AL

INDEX OF STATE COURT RECORDS

NO.	PLEADING	PARTY	DATE FILED
1.	Petition; Interrogatories and Requests for Production of Documents; Cover letter to Clerk of Court; Court's Fax Confirmation Sheet; Fax Transmission Report (Fax Filed)	Plaintiff	10/12/17
2.	Cover letter to Clerk of Court; Petition; Interrogatories and Requests for Production of Documents (Originals)	Plaintiff	10/16/17
3.	Citation to Pilot Travel Centers (to serve Petition, Interrogatories and Requests for Production of Documents)	Court	10/17/17
4.	Citation to Ace American Insurance Company (to serve Petition, Interrogatories and Requests for Production of Documents)	Court	10/17/17
5.	Citation to Progressive Security Insurance Company (to serve Petition, Interrogatories and Requests for Production of Documents); Sheriff cover sheet	Court	10/17/17
6.	Citation to CRST Expedited Inc. (to serve Petition, Interrogatories and Requests for Production of Documents); Sheriff Cover Sheet	Court	10/17/17
7.	Citation to Mark Strauss (to serve Petition, Interrogatories and Requests for Production of Documents)	Court	10/17/17
8.	NEW CIVIL SUIT FILING CERTIFICATION	Court	10/12/17
9.	Cover letter to Clerk; First Supplemental and Amending Petition; Fax Confirmation; Fax Transmission Report (Fax Filed)	Plaintiff	10/16/17
10.	Cover letter to Clerk; First Supplemental and Amending Petition (Originals Filed)	Plaintiff	10/18/17
11.	Citation to Ace American Insurance Company (to serve First Supplemental and Amending Petition)	Court	10/20/17
12.	Citation to Mark Strauss (to serve First Supplemental and Amending Petition)	Court	10/20/17
13.	Citation to CRST Expedited Inc. (to serve First Supplemental and Amending Petition); Long Arm Statute service sheet	Court	10/20/17
14.	Citation to Progressive Security Insurance Company (to serve First Supplemental and Amending Petition); Service through Secretary of State service sheet	Court	10/20/17
15.	Citation to Pilot Travel Centers LLC (to serve First Supplemental and Amending Petition)	Court	10/20/17
16.	Court's Fax Confirmation sheet (filing First Supplemental and Amending Petition)	Court	10/18/17
17.	Service Information of Citation to Pilot Travel Centers (serving Petition, Interrogatories and Requests for Production of Documents on 10/17/17); Notice of Service	Court	10/24/17



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18.	Service Information of Citation to Ace American Insurance Company (serving Petition, Interrogatories and Requests for Production of Documents on 10/24/17); Notice of Service	Court	10/24/17
19.	Service Information of Citation to Progressive Security Insurance Company (serving First Supplemental and Amending Petition on 10/26/17); Notice of Service	Court	10/26/17
20.	Service Information of Citation to Progressive Security Insurance Company (serving Petition, Interrogatories and Requests for Production of Documents on 10/24/17); Notice of Service	Court	10/24/17
21.	Service Information of Citation to Ace American Insurance Company (serving First Supplemental and Amending Petition on 10/26/17); Notice of Service	Court	11/03/17
22.	Cover letter to clerk; Answer to Petition for Damages and Request for Trial by Jury; Request for Notice; Jury Order	Def, Progressive Security Insurance Co	11/1/17
23.	Letter from Clerk of Court to counsel for Progressive Security Insurance Co re Order granting jury trial	Court	11/8/17
24.	Service Information of Citation to Pilot Travel Centers LLC (serving First Supplemental and Amending Petition on 10/23/17); Notice of Service	Court	11/8/17
25.	Cover letter to clerk; Answer and Affirmative Defenses to Original Petition and First Supplemental and Amending Petition and Request for Trial by Jury; Jury Order; Request for Notice	Def, Ace American Insurance Co	11/21/17
26.	Letter from Clerk of Court to counsel for Ace American Insurance Co re Order granting jury trial	Court	11/29/17
27.	Cover letter to clerk; Request for Notice of Trial Date, Etc.	Def, Pilot Travel Centers	12/7/11
28.	Cover letter to Clerk; Answer to Petition for Damages and First Supplemental and Amending Petition for Damages	Def, Pilot Travel Centers	1/30/18
29.	Letter from Clerk of court to counsel for Pilot Travel Centers re: Order granting jury trial	Court	2/2/186
30.	Letter to Clerk; Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony with Date; Memorandum in Support of Motion to Compel; (Fax Filed)	Def, Ace American Insurance and CRST Expedited	2/8/18
31.	Fax transmission report	Court	2/8/18
32.	Letter to Clerk; Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony with Date; Rule to Show Cause; Memorandum in Support of Motion to Compel; (Fax Filed)	Def, Ace American Insurance and CRST Expedited	2/8/18

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33.	Fax confirmation (of Ace American Insurance's Motion to Compel)	Court	2/8/18
34.	Fax confirmation (of Ace American Insurance's Motion to Compel with 3 services); Fee due \$560.00; Court's fax transmission report	Court	2/8/18
35.	Letter to Clerk; Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony with Date; Rule to Show Cause; Memorandum in Support of Motion to Compel; Court's Fax Confirmation (Originals Filed)	Def, Ace American Insurance and CRST Expedited	2/9/18
36.	Citation Rule to Plaintiffs; Sheriff service sheet (to serve Rule, Motion to Compel and etc.)	Court	2/15/18
37.	Citation Rule to Pilot Travel Centers, LLC	Court	2/15/18
38.	Citation Rule to Progressive Security Insurance Company; Sheriff service sheet (to serve Rule, Motion to Compel and etc.)	Court	2/15/18
39.	Notice of Fixing Case for Trial to Plaintiffs; Sheriff service sheet (to serve Rule, Motion to Compel and etc.)	Court	2/15/18
40.	Sheriff's Service Information of Citation Rule to Progressive Security Insurance Company; Notice of Service sheet (to serve Rule, Motion to Compel and etc.)	Court	2/20/18
41.	Citation Rule to Pilot Travel Centers, LLC; Sheriff service sheet (to serve Rule, Motion to Compel and etc.)	Court	2/20/18
42.	Sheriff's Service information on Plaintiffs; Notice of service sheet (to serve Rule, Motion to Compel and etc.)	Court	2/20/18
43.	Defendants' Motion to Continue and ReSet Hearing with date on Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony with Date; Rule to Show Cause; Memo in Support (FAX FILED)	Def, Ace American Insurance and CRST Expedited	03/19/18
44.	Fax confirmation of Def's Motion to Continue and ReSet Hearing; Courts fax transmittal report	Court	3/20/18
45.	Ltr to Clerk; Motion to Substitute Counsel of Record; Signed Order	Defs, Pilot Travel Ctrs and Ace American Insur Co	03/20/18
46.	Ltr to Clerk; Notice of Change of Address (for Sean Rabalais)	Def, Progressive Security Insur Co	03/22/18
47.	Defendants' Motion to Continue and ReSet Hearing with date on Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony with Date; <i>SIGNED</i> Rule to Show Cause; Memo in Support (ORIGINALS FILED)	Def, Ace American Insurance and CRST Expedited	03/26/18
48.	Notice / Entry re: Motion to Compel; no parties present for hearing; note that Motion to Continue was filed	Court	3/27/18

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49.	Notice of Fixing Trial on the Motion to Compel Pltf's Discovery Responses and Disposition Testimony	Court	03/28/18
50.	Notice of Service (of Notice of Fixing Case for Trial) upon Plaintiffs	Court	03/28/18
51.	Notice of Service (of Notice of Fixing Case for Trial) upon Pilot Travel Centers	Court	03/28/18
52.	Notice of Service (of Notice of Fixing Case for Trial) upon Progressive Security Insurance Company	Court	03/28/18
53.	Letter to Clerk; Request for Written Notice	Defs, Pilot Travel Ctrs and Ace American Insur Co	03/28/18
54.	Notice of Service (of Notice of Fixing Case for Trial) upon Plaintiffs	Court	04/03/18
55.	Notice of Service (of Notice of Fixing Case for Trial) upon Pilot Travel Centers	Court	04/09/18
56.	Notice of Service (of Notice of Fixing Case for Trial) upon Progressive Security Insurance	Court	04/09/18
57.	Notice / Entry re: Motion to Compel; no parties present for hearing; note parties will submit Consent Judgment	Court	05/11/18
58.	Letter to Judge re: remove 6/25/18 hearing on Motion to Compel from docket (Fax Filed)	Defs, Ace American Insur and CRST Expedited	06/20/18
59.	Fax confirmation re: request to remove 6/25/18 hearing from docket; Court instructed that Request to Remove be sent to Clerk's office; Court's fax transmittal report	Court	06/20/18
60.	Letter to Clerk re: remove 6/25/18 hearing on Motion to Compel from docket (Fax Filed)	Defs, Ace American Insur and CRST Expedited	06/22/18
61.	Letter to Clerk re: remove 6/25/18 hearing on Motion to Compel from docket w/ Court Confirmation and our Firm's fee check (Original Filed)	Defs, Ace American Insur and CRST Expedited	06/27/18
62.	Letter to Clerk; Motion for Leave to File Amended Answer, and Incorporated Memorandum in Support of Motion; Signed Order; Amended Answer	Defs, Pilot Travel Ctrs and Ace American Insur Co	07/30/18
63.	Court's Certificate of Notice of signing Motion for leave to file Amended Answer on Plaintiffs; Sheriff's service certificate	Court	08/03/18

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64.	Sheriff's service return (re: Court's Certificate of Notice of signing Motion for leave to file Amended Answer on Plaintiffs)	Court	08/06/18
65.	Letter to Clerk; Ex Parte Motion to Withdraw and Substitute Counsel of Record (Fax Filed)	Defs, Pilot Travel Ctrs and Ace American Insur Co	08/17/18
66.	Fax confirmation of Ex Parte Motion to Withdraw; Court's fax transmittal report	Court	08/20/18
67.	Letter to Clerk; Ex Parte Motion to Withdraw and Substitute Counsel of Record (Original Filed); Signed Order	Defs, Pilot Travel Ctrs and Ace American Insur Co	08/23/18
68.	Letter to Clerk; Motion for and Judgment of Dismissal without prejudice Pilot Travel Centers, LLC (Fax Filed)	Plaintiff	09/19/18
69.	Fax confirmation of Motion for and Judgment of Dismissal; Court's fax transmittal report	Court	09/20/18
70.	Letter to Clerk; Motion for and Judgment of Dismissal without prejudice Pilot Travel Centers, LLC (Original Filed); Signed Order	Plaintiff	09/25/18
71.	Court certificate: Notice of signing of Motion for and Judgment of dismissal; sheriff certificate for service	Court	09/27/18
72.	Sheriff's service return upon Plaintiffs (re: Court's Certificate of Notice of signing Motion for and Judgment of dismissal)	Court	10/02/18
73.	Letter to Clerk; Motion to Compel and Incorporated Memo in Support; Order/Rule to Show Cause (Signed by Judge)	Def, Progressive Security Insur Co	10/25/18
74.	Rule 10.1 Certificate of Conference	Def, Progressive Security Insur Co	10/26/18
75.	Certificate Rule to Plaintiffs (hearing 12.5.18)	Court	10/31/18
76.	Notice of Fixing Trial on the Motion to Compel Pltf's Discovery Responses	Court	10/31/18
77.	Sheriff's service information on Certificate Rule to Plaintiffs	Court	11/05/18
78.	Notice / Entry re: Motion to Compel; no parties present for hearing; note Motion was not addressed in open court	Court	12/05/18
79.	Letter to Clerk; Request for service of original Petition, Interrogatories and Request for Production of Documents be served upon Mark Strauss	Plaintiff	03/20/19

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80.	Citation for service Via Long Arm Statute of original Petition, Interrogatories and Request for Production of Documents be served upon Mark Strauss; Service request to Sheriff	Court	03/25/19
81.	Letter to Clerk; Partial Motion and Order to Dismiss with Prejudice and with Reservation of Rights (dismissing Progressive Security Insurance Co); Signed Order	Def, Progressive Security Insur Co	03/26/19
82.	Certificate of signing Partial Motion and Order to Dismiss Progressive Security Insurance Company	Court	03/27/19
83.	Letter to Clerk; Affidavit of Janey DeRouen, Secretary for counsel for plaintiff regarding service on Mark Strauss	Plaintiff	05/06/19

GILBERT DUGAS

VERSUS

FILE 16TH JUDICIAL DISTRICT COURT
DOCKET NUMBER: _____

ACE AMERICAN INSURANCE COMPANY, ST. MARTIN PARISH
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE STATE OF LOUISIANA
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

PETITION

NOW INTO COURT, comes Petition, GILBERT DUGAS, a resident of the full age of majority of the Parish of St. Martin, State of Louisiana, who with respect represents:

1.

Made Defendants herein are:

- A. ACE AMERICAN INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the State of Louisiana, which at all times relevant herein provided insurance coverage for its insured employee, MARK STRAUSS;
- B. CRST EXPEDITED INC., a company believed to be licensed to do and doing business within the State of Louisiana;
- C. MARK STRAUSS, believed to be a resident of the State of California, by reason and belief at all times herein was acting in the course and scope of his employment with CRST EXPEDITED INC;
- D. PILOT TRAVEL CENTERS LLC – STORE #274, a company licensed to do and doing business within the State of Louisiana;
- E. ABC INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the State of Louisiana, which at all times relevant herein provided insurance coverage for its insured, PILOT TRAVEL CENTERS LLC – STORE #274; and
- F. PROGRESSIVE SECURITY INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the State of Louisiana, that at all times relevant herein provided a policy of uninsured and/or underinsured motorist coverage to Petitioner, GILBERT DUGAS, which policy provides insurance for the uninsured and/or underinsured portion of the damages alleged herein, including but not limited to the uninsured/underinsured liabilities of Defendant, MARK STRAUSS, alleged herein for the damages to Petitioner, GILBERT DUGAS.

2.

On or about October 31, 2016, Petitioner, GILBERT DUGAS, was operating a 2012 Honda Accord owned by Rachel Dugas in the parking lot of Defendant, PILOT TRAVEL CENTERS LLC – STORE #274, when suddenly, negligently, and without warning, a 2016 FRT 18 Wheeler owned by Defendant, CRST EXPEDITED INC., and operated by Defendant, MARK STRAUSS, by reason and belief carelessly side-swiped the 2012 Honda Accord causing severe injury and damages to Petitioner, GILBERT DUGAS.

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3.

The above described collision resulted from the fault and/or negligence of Defendant, MARK STRAUSS, in the following non-exclusive particulars:

- A. Failing to see what he should have seen;
- B. Careless operation of a motor vehicle;
- C. Not paying attention while operating a motor vehicle;
- D. Failure to keep a proper lookout;
- E. Failing to brake in time to avoid the collision;
- F. In operating his vehicle in a careless and reckless fashion;
- G. In failing to maintain control of his vehicle;
- H. In causing a collision; and
- I. Any and all other acts of negligence and/or legal fault which will be proved at the trial on the merits.

4.

The above described collision resulted from the fault and/or negligence of Defendant, PILOT TRAVEL CENTERS LLC – STORE #274, in the following non-exclusive particulars:

- A. Failure to prohibit 18 wheeler traffic from traveling in gas bays;
- B. Failure to enforce industry practices regarding movement of big rigs upon a gas station premises; and
- C. Any and all other acts of negligence and/or legal fault which will be proved at the trial on the merits.

5.

As a result of the above described collision, Petitioner, GILBERT DUGAS, sustained serious and permanent injuries that have resulted in past and future physical and mental pain and suffering, past and future loss of enjoyment of life, past and future loss of earnings and loss of earning capacity, that has necessitated that they incur medical expenses, both past and future, all of which entitles them to recover a sum reasonable in the premises.

6.

At this time, damages suffered by Petitioner, GILBERT DUGAS, exceeds \$50,0000.00, exclusive of interest and costs, however, Petitioner, GILBERT DUGAS, reserves the right to amend this Petition at any time.

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WHEREFORE, Petitioner, GILBERT DUGAS, prays that a certified copy of this Petition be served upon Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, and that after due proceedings are had there be judgment herein in favor of Petitioner, GILBERT DUGAS, and against Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, jointly, severally and *in solido* in a sum reasonable in the premises together with legal interest from the date of judicial demand until paid, for all cost of these proceedings, and for all remedies available under Louisiana law.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)

557 Jefferson Street

P.O. Box 3524

Lafayette, Louisiana 70502-3524

PH: 337-233-2323

FX: 337-233-2353

EMAIL: jerome@broussard-david.com

COUNSEL FOR PLAINTIFF

GILBERT DUGAS

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PLEASE SERVE:

ACE AMERICAN INSURANCE COMPANY

Through its Registered Agent for Service of Process:
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, LA 70809

CRST EXPEDITED INC.

[VIA LOUISIANA LONG ARM STATUTE]

1332 Edgewood Road SW
Cedar Rapids, Iowa 52406

MARK STRAUSS

[VIA LOUISIANA LONG ARM STATUTE]

740 Camelback Drive
Armuda Dunes, CA 92201

PILOT TRAVEL CENTERS LLC – STORE #274

2112 Rees Street
Breaux Bridge, LA 70517

PROGRESSIVE SECURITY INSURANCE COMPANY

Through its Registered Agent for Service of Process:
CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, LA 70816

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GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: _____

ACE AMERICAN INSURANCE COMPANY, ST. MARTIN PARISH
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE STATE OF LOUISIANA
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: ACE AMERICAN INSURANCE COMPANY

CRST EXPEDITED INC.

MARK STRAUSS

PILOT TRAVEL CENTERS LLC – STORE #274

PROGRESSIVE SECURITY INSURANCE COMPANY

NOW INTO COURT, through undersigned counsel, come Petitioner, GILBERT DUGAS, who propound the following Interrogatories and Requests for Production of Documents to Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, as follows:

INTERROGATORIES

INTERROGATORY NO. 1

Please set forth your full legal name and present address.

INTERROGATORY NO. 2

Please state whether you were involved in a motor vehicle crash at the time and place set forth in Plaintiff('s/s') Petition and, if you were so involved, please state whether:

- A. You were a driver or passenger;
- B. If a passenger, your location within the vehicle which you occupied;
- C. Name the owner of the vehicle in which you were driving;
- D. Whether you were in the course and scope of employment.

INTERROGATORY NO. 3

Do you contend that any of the following caused or contributed to the happening of this crash, and/or to any injuries or damages claimed in Plaintiff('s/s') Petition:

- A. The negligence and/or intentional acts of any Defendant(s);
- B. The negligence and/or intentional acts of Plaintiff(s);

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- C. The negligence and/or intentional acts on the part of anyone not a party to this lawsuit;
- D. Any defect in any vehicle involved in this crash;
- E. The negligent maintenance, inspection, repair, or service of any vehicle involved in this crash;
- F. The negligence and/or intentional acts in operating any vehicle involved in this crash;
- G. Weather conditions.

INTERROGATORY NO. 4

If your answer to any part of the foregoing Interrogatory is in the affirmative, please set forth as to each affirmative response:

- A. Your contention as to each such cause or contributing factor;
- B. Each fact known to you which supports each contention;
- C. The name, address, and telephone number of each person known to you who caused or contributed to the crash;
- D. Everything each such person did or failed to do which you contend caused or contributed to it;
- E. The name, business and resident address, and telephone number of each person who claims to possess knowledge of any such fact;
- F. An identification, which such particularity as you would require in a motion to produce, of each and every writing relating to any such contention; and,
- G. The name, business and residence address, and telephone number of the custodian of any writing, identified in the foregoing subpart to this Interrogatory.

INTERROGATORY NO. 5

With respect to the crash which is the subject of Plaintiff('s/s') Petition, please set forth:

- A. Your estimate of the speed at which your vehicle was traveling at the time of impact and any fact upon which you base that estimate;
- B. Your estimate of the speed at which Petitioners' vehicle was traveling at the time of impact and any fact upon which you base that estimate;
- C. The speed limit applicable to the section of road on which your vehicle was traveling immediately prior to the crash;
- D. Where your vehicle was coming from and heading at the time of this crash;

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- E. Details of the specific mission for which you were operating your vehicle, including but not limited to, whether personal or business.

INTERROGATORY NO. 6

At the time of the crash:

- A. Did you have any impairment of vision in either eye? If yes, please:
- (i) State which eye;
 - (ii) Describe the impairment;
- B. Were you wearing glasses or contact lenses? If yes, please state:
- (i) whether they were tinted or colored;
 - (ii) whether they were bifocal;
 - (iii) the name and address of the doctor or optometrist who gave you any eye examination in the last 5 years and the date thereof.

INTERROGATORY NO. 7

Please describe the condition of the roadway surface at the time and place of the subject crash, stating specifically whether the road was:

- A. Wet or dry;
- B. Slippery or slick for any reason;
- C. Straight, curved, or otherwise;
- D. Concrete, blacktop, asphalt, or other; and
- E. Level, uphill or downhill.

INTERROGATORY NO. 8

Please set forth how many miles you drove:

- A. On the date of the subject crash;
- B. On the day before the subject crash.

INTERROGATORY NO. 9

How many hours of sleep did you have:

- A. In the last 24 hours immediately preceding the subject crash;
- B. In the 24 hour period immediately preceding the period described in subpart (a) of this Interrogatory;
- C. How many hours you had been continuously awake prior to this crash.

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INTERROGATORY NO. 10

Please state whether you consumed any alcohol, sleeping pills, tranquilizers, medicines, drugs of any kind, pills, or injections within 24 hours before this crash.

INTERROGATORY NO. 11

If your answer to the foregoing Interrogatory is in the affirmative, please set forth:

- A. The type of each such product consumed;
- B. The quantity consumed;
- C. The time and place consumed;
- D. The identity of any person who witnessed such consumption.

INTERROGATORY NO. 12

For each expert who has or claims to have knowledge of facts pertaining to any issue in this lawsuit, or for each person in your employ whom you consider to be such an expert, please state:

- A. Name, address and job classification;
- B. Employer or associates, if not self-employed;
- C. Field of competency;
- D. Educational background, including schools, degrees, and years received;
- E. Occupational experience, including employers, types of work and dates;
- F. Other significant qualifications;
- G. Whether a written report was prepared, and if so, the date of each report; and
- H. The title, authority, publisher and date of publication of three treatises or other

INTERROGATORY NO. 13

For each photograph pertaining to any issue in this lawsuit, including scenes of the crash site, which is or has been in your custody, please state:

- A. The date it was taken;
- B. The name, address, job classification and employer of the photographer;
- C. In general, the items, scenes, or persons portrayed, and;
- D. The name and address of the photograph's present custodian.

INTERROGATORY NO. 14

List and describe each other document, hospital records, medical report, statement, chart, diagram, log, book, memorandum, video, photograph, tangible item and similar paper or thing pertaining to

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any issue in this lawsuit which is or has been in your custody or control, indicating the name, address and job classification of the present custodian of each.

INTERROGATORY NO. 15

For each policy of insurance, including but not limited to all automobile, homeowner, general liability, employers liability and excess/umbrella insurance policies, that were in effect on the date of Plaintiff('s/s') crash, please state:

- A. The name and address of the insurer;
- B. The policy number;
- C. The types of coverage;
- D. The limits of liability for each coverage; and
- E. The nature of any exclusion.

INTERROGATORY NO. 16

Please state according to your best information, knowledge and belief, the cause of the crash, which is the subject of this litigation.

INTERROGATORY NO. 17

Please identify each individual who has any factual knowledge of the physical condition of the Plaintiff(s) and the Plaintiff('s/s') disability or physical limitations following the crash.

INTERROGATORY NO. 18

Please identify any individual who has conducted or attempted to conduct any surveillance on the Plaintiff(s) and/or captured any photographs or video of Plaintiff(s).

INTERROGATORY NO. 19

Please list the names, addresses and telephone numbers of all persons from whom statements have been taken by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned, and with whom interviews have been conducted (whether or not a statement was taken) by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned. Note, such identifications are discoverable whether or not the actual statements are discoverable.

INTERROGATORY NO. 20

For each statement listed in your answer to Interrogatory No. 19, please state to whom the statement was given, the employer of the person taking this statement, the form of the statement (recorded, written, transcribed, oral without transcription, etc.), the date of the statement, and the

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names, addresses and telephone numbers of all persons who are in the possession of any transcription, copy or recordings of the above mentioned statements. This information is required to determine the discoverability of the actual statements.

INTERROGATORY NO. 21

Please state whether you have sought relief under any provisions of the Bankruptcy Act and if your answer is in the affirmative, please state the following:

- A. The date on which the petition or petitions were filed;
- B. The entire caption of your petition, including the court docket number, division and judge; and,
- C. If any Order has been entered in that proceeding granting any relief prayed for in your petition, please attach a copy of the same to your answers hereto.

INTERROGATORY NO. 22

For each objection stated in your response to the above interrogatories, please state:

- A. Whether information is actually withheld or whether the objection is made for the purpose of attempting to preserve the right to object to future requests for information of the nature sought; and,
- B. If information is actually being withheld, state:
 - 1. A brief description of the information withheld ["a list of names", "a memorandum", "hand notes", "the statement of (name)", etc.];
 - 2. The pertinent date associated with the information (date of statement, date of memorandum, date of notice, date of crash, etc.);
 - 3. The author of the information;
 - 4. The name of the individual statementized;
 - 5. Whether the information has been previously provided to any third party whether or not a party to this matter;
 - 6. The exact authority upon which you base your objection stating specifically the statutory and jurisprudential authority upon which you rely.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1

Please produce the following:

- A. Written notices of crash or injury;

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- B. Crash reports;
- C. Any and all statements, either oral or written, signed or unsigned, and any memoranda relating to the incident complained of herein;
- D. Medical reports;
- E. Expert reports;
- F. Written statements from Plaintiff(s);
- G. Copies of all documents bearing Plaintiff('s/s') signatures, including facsimile of signatures;
- H. Photographs, motion pictures and videos of the crash scene, the Plaintiff(s) and any object involved in the crash;
- I. Any and all insurance policies requested in Interrogatory No. 15;
- J. All documents relating to any investigation of the subject crash including without limitation all crash investigation reports, root cause determinations and similar reports, and other pertinent documents or things (including but not limited to those listed in answer to INTERROGATORY NO. 14);
- K. All documentation and electronically stored information with respect to the ownership, maintenance and use of the vehicle involved in this incident, including but not limited to title, damage estimates from this crash, repair invoices from this crash, and for 6 months before this accident through one month after: maintenance records, travel logs, and digital data, fuel logs, GPS and/or tracking coordinates, speed recordings, black box data, etc.;
- L. Please produce copies of any and all drug and/or alcohol testing results obtained from Defendant(s) after this crash (including but not limited to all testing results mandated by DOT, local, state or federal agencies).
- M. Any and all drug and/or alcohol testing results (complete with litigation packet) for Defendant(s), including but not limited to drug and/or alcohol testing results taken before and/or after this crash;
- N. Any and all drug and/or alcohol testing results (complete with litigation packet) for any persons taken after this incident;
- O. Any and all photographs, pictures, video tapes, motion pictures, records and any other depictions or written description, etc., involving, concerning, regarding or in any way

RECEIVED TIME OCT. 12. 1:35PM

connected with the area of the occurrence and facts of the accident complained of herein;
and,

- P. Copies of all documents bearing Plaintiff('s/s') signatures, including facsimile of signatures.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2

Please produce a copy of each crash report prepared by you or at your request concerning the crash which is the subject matter of this litigation including, but not limited to, all crash reports or other notices filed with state or federal agencies.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3

Please produce a copy of all fuel records, tickets, citations, inspections, receipts or summaries for the vehicle in question for 2016 and 2017.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4

Please produce a copy of all surveillance information in your possession or in your control, whether or not you intend to use the same at trial, including:

- A. All information showing the identification of the individuals who conducted or attempted to conduct such surveillance.
- B. All information showing the dates on which such surveillance was attempted or conducted.
- C. Copies of all photographs, videos, films, still photography, movies, or other recordings made during such surveillance or attempted surveillance.
- D. All notes, memorandums, surveillance logs, or other written, digitally recorded, typed or documented information concerning this surveillance, including surveillance notes, records, logs, reports, rough diagrams, rough notes, time sheets, and invoices for such activities.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5

Please provide a copy of any and all mobile phone usage documentation (bills, statements, etc. documenting specific messaging and call data) for the entire month of July 2017 for any phones used by Defendant(s).

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6

Please provide a complete copy of Defendant('s/s') violations of motor vehicle traffic laws.

RECEIVED TIME OCT. 12. 1:35PM

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7

Please provide a complete copy of all vehicle maintenance records of the vehicle involved in the accident that is the subject of this litigation.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8

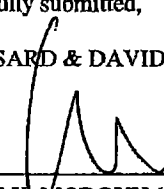
Please provide a copy of all post-accident repair records, documentation and/or invoices with respect to the vehicle involved in the in the accident that is the subject of this litigation.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 9

Please provide a copy of Defendant('s/s') driver's license.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
COUNSEL FOR PLAINTIFF
GILBERT DUGAS

PLEASE SERVE:

SAME AS ABOVE

ST. MARTIN PARISH CLERK OF COURT

RECEIVED TIME OCT. 12. 1:35PM

**BROUSSARD
& DAVID**

JUSTICE. OBTAINED.

Jerome H. Moroux
A Professional Law Corporation

Attorneys At Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

(337)233-2323 Telephone
(337)233-2353 Fax
(800) 337-2323 Toll Free

October 12, 2017

Via Facsimile – 337-394-2240 & U.S. Mail

St. Martin Parish Clerk of Court
415 St. Martin Street
P.O. Box 308
St. Martinville, LA 70582

Re: Gilbert Dugas versus Ace American Insurance Company, CRST Expedited Inc., Mark Strauss, Pilot Travel Centers LLC – Store #274, ABC Insurance Company, and Progressive Security Insurance Company

Dear Clerk:

Please find enclosed the original and service copies of a Petition, Interrogatories, and Request for Production of Documents for filing in the above captioned matter. Please serve all pleadings on the Defendants indicated and notify me when service has been made. Please return the enclosed copy of this correspondence showing the docket number and date and time of filing. Also enclosed is our check in the amount of \$ _ to cover the cost of filing and service fees.

In accordance with LSA-C.C.P. Article 1572, you are requested to give us written notice by mail, ten days in advance, of the date fixed for the trial or hearing of this case, whether on exceptions, motions, rules or the merits. We also request immediate notice of all orders or judgments, whether interlocutory or final, made or entered in this case upon the rendition thereof as provided by LSA-C.C.P. Articles 1913 and 1914, including notice of judgment in the event this case is taken under advisement, or if the judgment is not signed at the conclusion of this trial.

With kind regards, I am

Yours truly,


JEROME H. MOROUX

JHM:nt
Attachments/Enclosures

ST. MARTIN PARISH CLERK OF COURT

RECEIVED TIME OCT. 12. 1:35PM

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 10.12.17

DESCRIPTION OF TRANSMISSION: DAMAGES

FILED ON BEHALF OF: _____

PERSON SIGNING PLEADING: J. MOROUX

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: _____

Deputy Clerk of Court

Confirmation faxed to number: 233.2353

Date confirmation faxed: 10.12.17

Amount due: \$932.00

[FILE]

Transmission Report

Date/Time
ocal ID 1

10-12-2017
3373942240

03:15:35 p.m.

Transmit Header Text
Local Name 1

St Martin Parish Clerk of Court
Received SMP COC


This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Cases: 082926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Tax ID # 726001272

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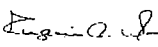
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BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: 
Deputy Clerk of Court

Confirmation faxed to number: 233.7353
Date confirmation faxed: 10.12.17
Amount due: \$932.00

[FILE]

Total Pages Scanned : 1				Total Pages Confirmed : 1					
No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	839	3372332353	03:14:03 p.m. 10-12-2017	00:01:01	1/1	1	G3	HS	CP9600

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

BROUSSARD & DAVID

Jerome H. Moroux
A Professional Law Corporation

JUSTICE. OBTAINED.
Attorneys At Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

(337)233-2323 Telephone
(337)233-2353 Fax
(800) 337-2323 Toll Free

October 12, 2017

Via Facsimile – 337-394-2240 & U.S. Mail

St. Martin Parish Clerk of Court
415 St. Martin Street
P.O. Box 308
St. Martinville, LA 70582

FILE

Re: Gilbert Dugas versus Ace American Insurance Company, CRST Expedited Inc., Mark Strauss, Pilot Travel Centers LLC – Store #274, ABC Insurance Company, and Progressive Security Insurance Company

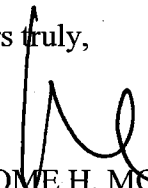
Dear Clerk:

Please find enclosed the original and service copies of a Petition, Interrogatories, and Request for Production of Documents for filing in the above captioned matter. Please serve all pleadings on the Defendants indicated and notify me when service has been made. Please return the enclosed copy of this correspondence showing the docket number and date and time of filing. Also enclosed is our check in the amount of \$ _ to cover the cost of filing and service fees.

In accordance with LSA-C.C.P. Article 1572, you are requested to give us written notice by mail, ten days in advance, of the date fixed for the trial or hearing of this case, whether on exceptions, motions, rules or the merits. We also request immediate notice of all orders or judgments, whether interlocutory or final, made or entered in this case upon the rendition thereof as provided by LSA-C.C.P. Articles 1913 and 1914, including notice of judgment in the event this case is taken under advisement, or if the judgment is not signed at the conclusion of this trial.

With kind regards, I am

Yours truly,


JEROME H. MOROUX

JHM:nt
Attachments/Enclosures

RECEIVED AND FILED

2017 OCT 16 AM 9:40


KRISTIE PIEJEAN
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 85926-A

**ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY**

**ST. MARTIN PARISH
STATE OF LOUISIANA**

PETITION

NOW INTO COURT, comes Petition, GILBERT DUGAS, a resident of the full age of majority of the Parish of St. Martin, State of Louisiana, who with respect represents:

1.

Made Defendants herein are:

- A. ACE AMERICAN INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the State of Louisiana, which at all times relevant herein provided insurance coverage for its insured employee, MARK STRAUSS;
- B. CRST EXPEDITED INC., a company believed to be licensed to do and doing business within the State of Louisiana;
- C. MARK STRAUSS, believed to be a resident of the State of California, by reason and belief at all times herein was acting in the course and scope of his employment with CRST EXPEDITED INC.;
- D. PILOT TRAVEL CENTERS LLC – STORE #274, a company licensed to do and doing business within the State of Louisiana;
- E. ABC INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the State of Louisiana, which at all times relevant herein provided insurance coverage for its insured, PILOT TRAVEL CENTERS LLC – STORE #274; and
- F. PROGRESSIVE SECURITY INSURANCE COMPANY, a foreign insurer licensed to do and doing business within the State of Louisiana, that at all times relevant herein provided a policy of uninsured and/or underinsured motorist coverage to Petitioner, GILBERT DUGAS, which policy provides insurance for the uninsured and/or underinsured portion of the damages alleged herein, including but not limited to the uninsured/underinsured liabilities of Defendant, MARK STRAUSS, alleged herein for the damages to Petitioner, GILBERT DUGAS.

2.

On or about October 31, 2016, Petitioner, GILBERT DUGAS, was operating a 2012 Honda Accord owned by Rachel Dugas in the parking lot of Defendant, PILOT TRAVEL CENTERS LLC – STORE #274, when suddenly, negligently, and without warning, a 2016 FRT 18 Wheeler owned by Defendant, CRST EXPEDITED INC., and operated by Defendant, MARK STRAUSS, by reason and belief carelessly side-swiped the 2012 Honda Accord causing severe injury and damages to Petitioner, GILBERT DUGAS.

3.

The above described collision resulted from the fault and/or negligence of Defendant, MARK STRAUSS, in the following non-exclusive particulars:

- A. Failing to see what he should have seen;
- B. Careless operation of a motor vehicle;
- C. Not paying attention while operating a motor vehicle;
- D. Failure to keep a proper lookout;
- E. Failing to brake in time to avoid the collision;
- F. In operating his vehicle in a careless and reckless fashion;
- G. In failing to maintain control of his vehicle;
- H. In causing a collision; and
- I. Any and all other acts of negligence and/or legal fault which will be proved at the trial on the merits.

4.

The above described collision resulted from the fault and/or negligence of Defendant, PILOT TRAVEL CENTERS LLC – STORE #274, in the following non-exclusive particulars:

- A. Failure to prohibit 18 wheeler traffic from traveling in gas bays;
- B. Failure to enforce industry practices regarding movement of big rigs upon a gas station premises; and
- C. Any and all other acts of negligence and/or legal fault which will be proved at the trial on the merits.

5.

As a result of the above described collision, Petitioner, GILBERT DUGAS, sustained serious and permanent injuries that have resulted in past and future physical and mental pain and suffering, past and future loss of enjoyment of life, past and future loss of earnings and loss of earning capacity, that has necessitated that they incur medical expenses, both past and future, all of which entitles them to recover a sum reasonable in the premises.

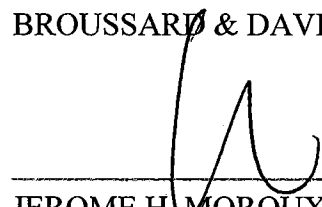
6.

At this time, damages suffered by Petitioner, GILBERT DUGAS, exceeds \$50,0000.00, exclusive of interest and costs, however, Petitioner, GILBERT DUGAS, reserves the right to amend this Petition at any time.

WHEREFORE, Petitioner, GILBERT DUGAS, prays that a certified copy of this Petition be served upon Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, and that after due proceedings are had there be judgment herein in favor of Petitioner, GILBERT DUGAS, and against Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, jointly, severally and *in solido* in a sum reasonable in the premises together with legal interest from the date of judicial demand until paid, for all cost of these proceedings, and for all remedies available under Louisiana law.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
COUNSEL FOR PLAINTIFF
GILBERT DUGAS

RECEIVED AND FILED

2017 OCT 16 AM 9:40


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

PLEASE SERVE:

ACE AMERICAN INSURANCE COMPANY

Through its Registered Agent for Service of Process:

Louisiana Secretary of State

8585 Archives Avenue

Baton Rouge, LA 70809

CRST EXPEDITED INC.

[VIA LOUISIANA LONG ARM STATUTE]

1332 Edgewood Road SW

Cedar Rapids, Iowa 52406

MARK STRAUSS

[VIA LOUISIANA LONG ARM STATUTE]

740 Camelback Drive

Armuda Dunes, CA 92201

PILOT TRAVEL CENTERS LLC – STORE #274

2112 Rees Street

Breaux Bridge, LA 70517

PROGRESSIVE SECURITY INSURANCE COMPANY

Through its Registered Agent for Service of Process:

CT Corporation System

3867 Plaza Tower Drive

Baton Rouge, LA 70816

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 85926-A

**ACE AMERICAN INSURANCE COMPANY, ST. MARTIN PARISH
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE STATE OF LOUISIANA
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY**

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: ACE AMERICAN INSURANCE COMPANY

CRST EXPEDITED INC.

MARK STRAUSS

PILOT TRAVEL CENTERS LLC – STORE #274

PROGRESSIVE SECURITY INSURANCE COMPANY

NOW INTO COURT, through undersigned counsel, come Petitioner, GILBERT DUGAS, who propound the following Interrogatories and Requests for Production of Documents to Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, as follows:

INTERROGATORIES

INTERROGATORY NO. 1

Please set forth your full legal name and present address.

INTERROGATORY NO. 2

Please state whether you were involved in a motor vehicle crash at the time and place set forth in Plaintiff('s/s') Petition and, if you were so involved, please state whether:

- A. You were a driver or passenger;
- B. If a passenger, your location within the vehicle which you occupied;
- C. Name the owner of the vehicle in which you were driving;
- D. Whether you were in the course and scope of employment.

INTERROGATORY NO. 3

Do you contend that any of the following caused or contributed to the happening of this crash, and/or to any injuries or damages claimed in Plaintiff('s/s') Petition:

- A. The negligence and/or intentional acts of any Defendant(s);
- B. The negligence and/or intentional acts of Plaintiff(s);

- C. The negligence and/or intentional acts on the part of anyone not a party to this lawsuit;
- D. Any defect in any vehicle involved in this crash;
- E. The negligent maintenance, inspection, repair, or service of any vehicle involved in this crash;
- F. The negligence and/or intentional acts in operating any vehicle involved in this crash;
- G. Weather conditions.

INTERROGATORY NO. 4

If your answer to any part of the foregoing Interrogatory is in the affirmative, please set forth as to each affirmative response:

- A. Your contention as to each such cause or contributing factor;
- B. Each fact known to you which supports each contention;
- C. The name, address, and telephone number of each person known to you who caused or contributed to the crash;
- D. Everything each such person did or failed to do which you contend caused or contributed to it;
- E. The name, business and resident address, and telephone number of each person who claims to possess knowledge of any such fact;
- F. An identification, with such particularity as you would require in a motion to produce, of each and every writing relating to any such contention; and,
- G. The name, business and residence address, and telephone number of the custodian of any writing, identified in the foregoing subpart to this Interrogatory.

INTERROGATORY NO. 5

With respect to the crash which is the subject of Plaintiff('s/s') Petition, please set forth:

- A. Your estimate of the speed at which your vehicle was traveling at the time of impact and any fact upon which you base that estimate;
- B. Your estimate of the speed at which Petitioners' vehicle was traveling at the time of impact and any fact upon which you base that estimate;
- C. The speed limit applicable to the section of road on which your vehicle was traveling immediately prior to the crash;
- D. Where your vehicle was coming from and heading at the time of this crash;

- E. Details of the specific mission for which you were operating your vehicle, including but not limited to, whether personal or business.

INTERROGATORY NO. 6

At the time of the crash:

- A. Did you have any impairment of vision in either eye? If yes, please:
- (I) State which eye;
 - (ii) Describe the impairment;
- B. Were you wearing glasses or contact lenses? If yes, please state:
- (I) whether they were tinted or colored;
 - (ii) whether they were bifocal;
 - (iii) the name and address of the doctor or optometrist who gave you any eye examination in the last 5 years and the date thereof.

INTERROGATORY NO. 7

Please describe the condition of the roadway surface at the time and place of the subject crash, stating specifically whether the road was:

- A. Wet or dry;
- B. Slippery or slick for any reason;
- C. Straight, curved, or otherwise;
- D. Concrete, blacktop, asphalt, or other; and
- E. Level, uphill or downhill.

INTERROGATORY NO. 8

Please set forth how many miles you drove:

- A. On the date of the subject crash;
- B. On the day before the subject crash.

INTERROGATORY NO. 9

How many hours of sleep did you have:

- A. In the last 24 hours immediately preceding the subject crash;
- B. In the 24 hour period immediately preceding the period described in subpart (a) of this Interrogatory;
- C. How many hours you had been continuously awake prior to this crash.

INTERROGATORY NO. 10

Please state whether you consumed any alcohol, sleeping pills, tranquilizers, medicines, drugs of any kind, pills, or injections within 24 hours before this crash.

INTERROGATORY NO. 11

If your answer to the foregoing Interrogatory is in the affirmative, please set forth:

- A. The type of each such product consumed;
- B. The quantity consumed;
- C. The time and place consumed;
- D. The identity of any person who witnessed such consumption.

INTERROGATORY NO. 12

For each expert who has or claims to have knowledge of facts pertaining to any issue in this lawsuit, or for each person in your employ whom you consider to be such an expert, please state:

- A. Name, address and job classification;
- B. Employer or associates, if not self-employed;
- C. Field of competency;
- D. Educational background, including schools, degrees, and years received;
- E. Occupational experience, including employers, types of work and dates;
- F. Other significant qualifications;
- G. Whether a written report was prepared, and if so, the date of each report; and
- H. The title, authority, publisher and date of publication of three treatises or other

INTERROGATORY NO. 13

For each photograph pertaining to any issue in this lawsuit, including scenes of the crash site, which is or has been in your custody, please state:

- A. The date it was taken;
- B. The name, address, job classification and employer of the photographer;
- C. In general, the items, scenes, or persons portrayed, and;
- D. The name and address of the photograph's present custodian.

INTERROGATORY NO. 14

List and describe each other document, hospital records, medical report, statement, chart, diagram, log, book, memorandum, video, photograph, tangible item and similar paper or thing pertaining to

any issue in this lawsuit which is or has been in your custody or control, indicating the name, address and job classification of the present custodian of each.

INTERROGATORY NO. 15

For each policy of insurance, including but not limited to all automobile, homeowner, general liability, employers liability and excess/umbrella insurance policies, that were in effect on the date of Plaintiff('s/s') crash, please state:

- A. The name and address of the insurer;
- B. The policy number;
- C. The types of coverage;
- D. The limits of liability for each coverage; and
- E. The nature of any exclusion.

INTERROGATORY NO. 16

Please state according to your best information, knowledge and belief, the cause of the crash, which is the subject of this litigation.

INTERROGATORY NO. 17

Please identify each individual who has any factual knowledge of the physical condition of the Plaintiff(s) and the Plaintiff('s/s') disability or physical limitations following the crash.

INTERROGATORY NO. 18

Please identify any individual who has conducted or attempted to conduct any surveillance on the Plaintiff(s) and/or captured any photographs or video of Plaintiff(s).

INTERROGATORY NO. 19

Please list the names, addresses and telephone numbers of all persons from whom statements have been taken by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned, and with whom interviews have been conducted (whether or not a statement was taken) by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned. Note, such identifications are discoverable whether or not the actual statements are discoverable.

INTERROGATORY NO. 20

For each statement listed in your answer to Interrogatory No. 19, please state to whom the statement was given, the employer of the person taking this statement, the form of the statement (recorded, written, transcribed, oral without transcription, etc.), the date of the statement, and the

names, addresses and telephone numbers of all persons who are in the possession of any transcription, copy or recordings of the above mentioned statements. This information is required to determine the discoverability of the actual statements.

INTERROGATORY NO. 21

Please state whether you have sought relief under any provisions of the Bankruptcy Act and if your answer is in the affirmative, please state the following:

- A. The date on which the petition or petitions were filed;
- B. The entire caption of your petition, including the court docket number, division and judge; and,
- C. If any Order has been entered in that proceeding granting any relief prayed for in your petition, please attach a copy of the same to your answers hereto.

INTERROGATORY NO. 22

For each objection stated in your response to the above interrogatories, please state:

- A. Whether information is actually withheld or whether the objection is made for the purpose of attempting to preserve the right to object to future requests for information of the nature sought; and,
- B. If information is actually being withheld, state:
 - 1. A brief description of the information withheld ["a list of names", "a memorandum", "hand notes", "the statement of (name)", etc.];
 - 2. The pertinent date associated with the information (date of statement, date of memorandum, date of notice, date of crash, etc.);
 - 3. The author of the information;
 - 4. The name of the individual statementized;
 - 5. Whether the information has been previously provided to any third party whether or not a party to this matter;
 - 6. The exact authority upon which you base your objection stating specifically the statutory and jurisprudential authority upon which you rely.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1

Please produce the following:

- A. Written notices of crash or injury;

- B. Crash reports;
- C. Any and all statements, either oral or written, signed or unsigned, and any memoranda relating to the incident complained of herein;
- D. Medical reports;
- E. Expert reports;
- F. Written statements from Plaintiff(s);
- G. Copies of all documents bearing Plaintiff('s/s') signatures, including facsimile of signatures;
- H. Photographs, motion pictures and videos of the crash scene, the Plaintiff(s) and any object involved in the crash;
- I. Any and all insurance policies requested in Interrogatory No. 15;
- J. All documents relating to any investigation of the subject crash including without limitation all crash investigation reports, root cause determinations and similar reports, and other pertinent documents or things (including but not limited to those listed in answer to INTERROGATORY NO. 14);
- K. All documentation and electronically stored information with respect to the ownership, maintenance and use of the vehicle involved in this incident, including but not limited to title, damage estimates from this crash, repair invoices from this crash, and for 6 months before this accident through one month after: maintenance records, travel logs, and digital data, fuel logs, GPS and/or tracking coordinates, speed recordings, black box data, etc.;
- L. Please produce copies of any and all drug and/or alcohol testing results obtained from Defendant(s) after this crash (including but not limited to all testing results mandated by DOT, local, state or federal agencies).
- M. Any and all drug and/or alcohol testing results (complete with litigation packet) for Defendant(s), including but not limited to drug and/or alcohol testing results taken before and/or after this crash;
- N. Any and all drug and/or alcohol testing results (complete with litigation packet) for any persons taken after this incident;
- O. Any and all photographs, pictures, video tapes, motion pictures, records and any other depictions or written description, etc., involving, concerning, regarding or in any way

connected with the area of the occurrence and facts of the accident complained of herein;
and,

- P. Copies of all documents bearing Plaintiff('s/s') signatures, including facsimile of signatures.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2

Please produce a copy of each crash report prepared by you or at your request concerning the crash which is the subject matter of this litigation including, but not limited to, all crash reports or other notices filed with state or federal agencies.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3

Please produce a copy of all fuel records, tickets, citations, inspections, receipts or summaries for the vehicle in question for 2016 and 2017.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4

Please produce a copy of all surveillance information in your possession or in your control, whether or not you intend to use the same at trial, including:

- A. All information showing the identification of the individuals who conducted or attempted to conduct such surveillance.
- B. All information showing the dates on which such surveillance was attempted or conducted.
- C. Copies of all photographs, videos, films, still photography, movies, or other recordings made during such surveillance or attempted surveillance.
- D. All notes, memorandums, surveillance logs, or other written, digitally recorded, typed or documented information concerning this surveillance, including surveillance notes, records, logs, reports, rough diagrams, rough notes, time sheets, and invoices for such activities.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5

Please provide a copy of any and all mobile phone usage documentation (bills, statements, etc. documenting specific messaging and call data) for the entire month of July 2017 for any phones used by Defendant(s).

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6

Please provide a complete copy of Defendant('s/s') violations of motor vehicle traffic laws.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7

Please provide a complete copy of all vehicle maintenance records of the vehicle involved in the accident that is the subject of this litigation.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8

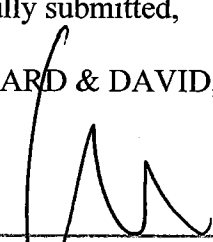
Please provide a copy of all post-accident repair records, documentation and/or invoices with respect to the vehicle involved in the in the accident that is the subject of this litigation.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 9

Please provide a copy of Defendant('s/s') driver's license.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
COUNSEL FOR PLAINTIFF
GILBERT DUGAS

PLEASE SERVE:

SAME AS ABOVE

RECEIVED AND FILED

2017 OCT 16 AM 9:40

Kristie Prejean
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PILOT TRAVEL CENTERS LLC

2112 REES ST.

BREAUX BRIDGE, LA 70517

of ST. MARTIN Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION ,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct
copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or
otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within
fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this
17TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BY:

Kristie Prejean

Deputy Clerk of Court

REQUESTED BY:

MR. JEROME H. MOROUX

ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____.

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

ACE AMERICAN INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS:
LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVE.
BATON ROUGE, LA 70809

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION ,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct
copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or
otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within
fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this
17TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Deputy Clerk of Court

REQUESTED BY:

MR. JEROME H. MOROUX
ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____.

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

PROGRESSIVE SECURITY INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS:
CT CORPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION ,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct
copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or
otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within
fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this
17TH day of OCTOBER, 2017.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Kristie Prejean
Deputy Clerk of Court

REQUESTED BY:
MR. JEROME H. MOROUX
ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of
_____, 20____ served the above named party as follows:

Personal Service on the party herein named _____;
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of
_____, a person apparently over the age of seventeen years, living and
residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said
person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

TO: Sheriff _____ FROM: **Becky P. Patin** _____
East Baton Rouge Parish _____ Clerk of Court, St. Martin Parish _____
P. O. Box 3277 _____ P. O. Box 308, St. Martinville, LA 70582 _____
Baton Rouge, LA 70821-3277 _____ Phone: 337-394-2210 Fax: 337-394-2240 _____

RE: SUIT NO. 85926-A _____ PROBATE NO. _____

GILBERT DUGAS _____

VS. _____

ACE AMERICAN INSURANCE CO., ET AL _____

I AM ENCLOSING 2 CITATION ALONG WITH 2 TRUE COPIES OF PETITION,
INTERROGATORIES, AND REQUEST FOR PRODUCTION OF DOCUMENTS FOR SERVICES ON
ACE AMERICAN INSURANCE COMPANY THROUGH SECRETARY OF STATE AND
PROGRESSIVE SECURITY INSURANCE COMPANY THROUGH CT CORPORATION SYSTEM. I
AM ENCLOSING A CHECK IN THE AMOUNT OF \$58.72 AND ANOTHER CHECK IN THE
AMOUNT OF \$50.00 SECRETARY OF STATE.

Date of Notice October 17, 2017

Kristie Prejean
Deputy Clerk of Court

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

CRST EXPEDITED INC
 VIA LOUISIANA LONG ARM STATUTE
 1332 EDGEWOOD ROAD SW
 CEDAR RAPIDS, IOWA 52406

VIA THE LOUISIANA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the PETITION, INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within thirty (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 17TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
 St. Martin Parish, Louisiana

BY:

A handwritten signature in cursive script that reads "Kristie Prejean".

Deputy Clerk of Court

REQUESTED BY:

MR. JEROME H. MOROUX

ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____.

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
 Deputy Sheriff

[FILE]

TO: MR. JEROME H. MOROUX

FROM: **Becky P. Patin**

ATTORNEY AT LAW

Clerk of Court, St. Martin Parish

P.O. BOX 3524

P. O. Box 308, St. Martinville, LA 70582

LAFAYETTE, LA 70502

Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. 85926-A

PROBATE NO.

GILBERT DUGAS

VS.

ACE AMERICAN INSURANCE CO., ET AL

I AM ENCLOSING 2 CITATION ALONG WITH 2 TRUE COPIES OF PETITION,
INTERROGATORIES, AND REQUEST FOR PRODUCTION OF DOCUMENTS FOR SERVICES ON
CRST EXPEDITED INC. AND MARK STRAUSS VIA THE LOUISIANA LONG ARM STATUTE AS
PER YOUR REQUEST.

Date of Notice October 17, 2017

Kristie Prejean
Deputy Clerk of Court

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

MARK STRAUSS
VIA LOUISIANA LONG ARM STATUTE
740 CAMELBACK DRIVE
ARMUDA DUNES, CA 92201

VIA THE LOUISIANA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the PETITION, INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within thirty (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 17TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Kristie Prejean

Deputy Clerk of Court

REQUESTED BY:
MR. JEROME H. MOROUX
ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

By: _____
Deputy Sheriff

Mileage \$ _____

Total \$ _____

[FILE]

Becky P. Patin
Clerk of Court
P.O. Box 308
St. Martinville, La. 70582

Ph. #337/394-2210 * 337/332-4136
Fax. #337/394-2240

NEW CIVIL SUIT FILING CERTIFICATION

STATE OF LOUISIANA
PARISH OF ST. MARTIN

TO:
MR. JEROME H. MOROUX
ATTORNEY AT LAW
P.O. BOX 3524
LAFAYETTE, LA 70502

THIS CERTIFIES THAT ON THE 12TH DAY OF OCTOBER, 2017 THE BELOW
ENTITLED CASE HAS BEEN FILED FOR RECORD IN THIS OFFICE.

GILBERT DUGAS

VS. # 85926

ACE AMERICAN INSURANCE COMPANY, ET AL

DIVISION A

JUDGE ANTHONY THIBODEAUX



DEPUTY CLERK OF COURT
ST. MARTIN PARISH

FAX CONFIRMATION

DUGAS, GILBERT

Versus

ALL AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 10.12.17

DESCRIPTION OF TRANSMISSION: DAMAGES

FILED ON BEHALF OF: _____

PERSON SIGNING PLEADING: J. MOROUX

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation (WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: _____

Deputy Clerk of Court

Confirmation faxed to number: 233.2353

Date confirmation faxed: 10.12.17

Amount due: \$932.00

RECEIVED AND FILED
2017 OCT 16 AM 9:40
Kristie Pigeon
DEPUTY CLERK OF COURT
[FILE] ST. MARTIN PARISH

BROUSSARD & DAVID

JUSTICE. OBTAINED.

Jerome H. Moroux
A Professional Law Corporation

Attorneys At Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

FILE
(337) 233-2323 Telephone
(337) 233-2353 Fax
(800) 337-2323 Toll Free

October 16, 2017

Via Facsimile – 337-394-2240 & U.S. Mail

St. Martin Parish Clerk of Court
415 St. Martin Street
P.O. Box 308
St. Martinville, LA 70582

Re: Gilbert Dugas versus Ace American Insurance Company, CRST Expedited Inc., Mark Strauss, Pilot Travel Centers LLC – Store #274, ABC Insurance Company, and Progressive Security Insurance Company
Docket Number: 85926A / 16th JDC / St. Martin Parish

Dear Clerk:

Please find enclosed original and service copies First Supplemental and Amending Petition, together, the original Petition on behalf of Plaintiffs, Gilbert Dugas and Rachel Dugas.

Please notify our office once service has been made on all Defendants.

Additionally, please find enclosed our firm's check in the amount of \$__ to cover the cost of filing and serving the above mentioned documents.

Lastly, I ask that you please return one extra copy showing the date and time of filing.

Thank you for your prompt attention and cooperation in this matter.

With kind regards, I am

Yours truly,



JEROME H. MOROUX
ROBERT A. BRAHAN

JHM:nt
Attachments/Enclosures

ST. MARTIN PARISH CLERK OF COURT

RECEIVED TIME OCT. 16. 1:43PM

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 85926A

**ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY**

**ST. MARTIN PARISH
STATE OF LOUISIANA**

FIRST SUPPLEMENTAL AND AMENDING PETITION

NOW INTO COURT, through undersigned counsel, comes Plaintiff, GILBERT DUGAS, a resident of the full age of majority in the Parish of St. Martin, State of Louisiana, who with respect wishes to amend the original Petition herein as follows:

I.

Petitioner, RACHEL DUGAS, wife of Plaintiff, GILBERT DUGAS, wishes to be added as a Plaintiff in the instant suit and to therefore incorporate the allegations set forth in the original Petition.

II.

Petitioner, RACHEL DUGAS, also wishes to assert the following claim on their behalf:

“7.

The negligence and fault the Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, as enumerated above, was the proximate cause of injury and damages recoverable by Petitioner, RACHEL DUGAS, which damages are listed more particularly, but not exclusively, as follows:

- A. Mental anguish;
- B. Loss of consortium, society, guidance and support;
- C. Punitive or exemplary damages;
- D. Other items of damage which may be shown through discovery or at trial;
- E. All appropriate general and equitable relief;
- F. Prejudgment interest on all sums awarded from date of loss until paid;
- G. Post-judgment interest on all sums awarded from date of judgment until paid; and
- H. All court costs and litigation costs allowed by law; and
- I. All other remedies available to the Plaintiff under Louisiana law.

RECEIVED TIME OCT. 16. 1:43PM


8.

As a result of the above described incident Petitioner, RACHEL DUGAS, sustained serious and permanent injuries which have resulted in past and future physical and mental pain and suffering, past and future loss of enjoyment of life, and past and future loss of consortium all entitling her to recover a sum reasonable in the premises."

WHEREFORE, Petitioners, GILBERT DUGAS and RACHEL DUGAS, pray that a certified copy of First Supplemental and Amending Petition, together with the original Petition be served upon Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC --STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, and that after due proceedings are had there be judgment herein in favor of Petitioners, GILBERT DUGAS and RACHEL DUGAS, and against Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC --STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, jointly, severally and *in solido* in a sum reasonable in the premises together with legal interest from the date of judicial demand until paid and for all costs of these proceedings.

Respectfully submitted.

BROUSSARD & DAVID, LLC



JEROMETH H. MOROUX (#32666)
ROBERT A. BRAHAN (#31390)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jmoroux@broussard-david.com
COUNSEL FOR PLAINTIFFS
GILBERT DUGAS AND RACHEL DUGAS

RECEIVED TIME OCT. 16. 1:43PM

PLEASE SERVE:

ACE AMERICAN INSURANCE COMPANY
Through its Registered Agent for Service of Process:
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, LA 70809

CRST EXPEDITED INC.
[VIA LOUISIANA LONG ARM STATUTE]
1332 Edgewood Road SW
Cedar Rapids, Iowa 52406

MARK STRAUSS
[VIA LOUISIANA LONG ARM STATUTE]
740 Camelback Drive
Armuda Dunes, CA 92201

PILOT TRAVEL CENTERS LLC – STORE #274
2112 Rees Street
Breaux Bridge, LA 70517

PROGRESSIVE SECURITY INSURANCE COMPANY
Through its Registered Agent for Service of Process:
CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, LA 70816

RECEIVED TIME OCT. 16. 1:43PM

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 10.16.17

DESCRIPTION OF TRANSMISSION: 1ST. SUPPL. AMENDING PETITION

FILED ON BEHALF OF: _____

PERSON SIGNING PLEADING: J. MOROUX

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: _____

Deputy Clerk of Court

Confirmation faxed to number: 233.2353

Date confirmation faxed: 10.16.17

Amount due: \$740.00

[FILE]

Transmission Report

Date/Time
Local ID 1

10-16-2017
3373942240

02:47:56 p.m.


Transmit Header Text
Local Name 1

St Martin Parish Clerk of Court
Received SMP COC

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT
Furnas
ACE AMERICAN INSURANCE COMPANY, ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Fax ID # 726001272

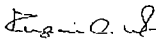
YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE

DATE FAX TRANSMISSION RECEIVED: 10.16.17
DESCRIPTION OF TRANSMISSION: 151. SUPPL. AMENDING PETITION
FILED ON BEHALF OF: _____
PERSON SIGNING PLEADING: J. MOROUX

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:830.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation WILL BE ADDED TO AMOUNT DUE; the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading. PLEASE ADD CASE NUMBER.

BECKY P. PAFFIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana
BY: 
Deputy Clerk of Court

Confirmation faxed to number: 233.2353
Date confirmation faxed: 10.16.17
Amount due: \$740.00

[FILE]

Total Pages Scanned : 1			Total Pages Confirmed : 1						
No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	861	3372332353	02:35:52 p.m. 10-16-2017	00:01:05	1/1	1	G3	HS	CP7200

Abbreviations:

-S: Host send
-R: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

BROUSSARD DAVID

Jerome H. Moroux
A Professional Law Corporation

JUSTICE. OBTAINED.
Attorneys At Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

(337)233-2323 Telephone
(337)233-2353 Fax
(800) 337-2323 Toll Free

October 16, 2017

Via Facsimile – 337-394-2240 & U.S. Mail

St. Martin Parish Clerk of Court
415 St. Martin Street
P.O. Box 308
St. Martinville, LA 70582

FILE

Re: Gilbert Dugas versus Ace American Insurance Company, CRST Expedited Inc., Mark Strauss, Pilot Travel Centers LLC – Store #274, ABC Insurance Company, and Progressive Security Insurance Company
Docket Number: 85926A / 16th JDC / St. Martin Parish

Dear Clerk:

Please find enclosed original and service copies First Supplemental and Amending Petition, together, the original Petition on behalf of Plaintiffs, Gilbert Dugas and Rachel Dugas.

Please notify our office once service has been made on all Defendants.

Additionally, please find enclosed our firm's check in the amount of \$ _ to cover the cost of filing and serving the above mentioned documents.

Lastly, I ask that you please return one extra copy showing the date and time of filing.

Thank you for your prompt attention and cooperation in this matter.

With kind regards, I am

Yours truly,



JEROME H. MOROUX
ROBERT A. BRAHAN

JHM:nt
Attachments/Enclosures

RECEIVED AND FILED

2017 OCT 18 AM 9:44

J. L. Levesque
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 85926A

**ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY**

**ST. MARTIN PARISH
STATE OF LOUISIANA**

FIRST SUPPLEMENTAL AND AMENDING PETITION

NOW INTO COURT, through undersigned counsel, comes Plaintiff, GILBERT DUGAS, a resident of the full age of majority in the Parish of St. Martin, State of Louisiana, who with respect wishes to amend the original Petition herein as follows:

I.

Petitioner, RACHEL DUGAS, wife of Plaintiff, GILBERT DUGAS, wishes to be added as a Plaintiff in the instant suit and to therefore incorporate the allegations set forth in the original Petition.

II.

Petitioner, RACHEL DUGAS, also wishes to assert the following claim on their behalf:

“7.

The negligence and fault the Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, as enumerated above, was the proximate cause of injury and damages recoverable by Petitioner, RACHEL DUGAS, which damages are listed more particularly, but not exclusively, as follows:

- A. Mental anguish;
- B. Loss of consortium, society, guidance and support;
- C. Punitive or exemplary damages;
- D. Other items of damage which may be shown through discovery or at trial;
- E. All appropriate general and equitable relief;
- F. Prejudgment interest on all sums awarded from date of loss until paid;
- G. Post-judgment interest on all sums awarded from date of judgment until paid; and
- H. All court costs and litigation costs allowed by law; and
- I. All other remedies available to the Plaintiff under Louisiana law.

8.

As a result of the above described incident Petitioner, RACHEL DUGAS, sustained serious and permanent injuries which have resulted in past and future physical and mental pain and suffering, past and future loss of enjoyment of life, and past and future loss of consortium all entitling her to recover a sum reasonable in the premises.”

WHEREFORE, Petitioners, GILBERT DUGAS and RACHEL DUGAS, pray that a certified copy of First Supplemental and Amending Petition, together with the original Petition be served upon Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, and that after due proceedings are had there be judgment herein in favor of Petitioners, GILBERT DUGAS and RACHEL DUGAS, and against Defendants, ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS, PILOT TRAVEL CENTERS LLC – STORE #274, ABC INSURANCE COMPANY, and PROGRESSIVE SECURITY INSURANCE COMPANY, jointly, severally and *in solido* in a sum reasonable in the premises together with legal interest from the date of judicial demand until paid and for all costs of these proceedings.

Respectfully submitted,

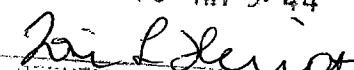
BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
ROBERT A. BRAHAN (#31390)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
COUNSEL FOR PLAINTIFFS
GILBERT DUGAS AND RACHEL DUGAS

RECEIVED AND FILED

2017 OCT 18 AM 9:44


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

PLEASE SERVE:

ACE AMERICAN INSURANCE COMPANY

Through its Registered Agent for Service of Process:

Louisiana Secretary of State

8585 Archives Avenue

Baton Rouge, LA 70809

CRST EXPEDITED INC.

[VIA LOUISIANA LONG ARM STATUTE]

1332 Edgewood Road SW

Cedar Rapids, Iowa 52406

MARK STRAUSS

[VIA LOUISIANA LONG ARM STATUTE]

740 Camelback Drive

Armuda Dunes, CA 92201

PILOT TRAVEL CENTERS LLC – STORE #274

2112 Rees Street

Breaux Bridge, LA 70517

PROGRESSIVE SECURITY INSURANCE COMPANY

Through its Registered Agent for Service of Process:

CT Corporation System

3867 Plaza Tower Drive

Baton Rouge, LA 70816

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

ACE AMERICAN INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS
LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVE.
BATON ROUGE, LA 70809

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the FIRST SUPPLEMENTAL AND AMENDING PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 20TH day of OCTOBER, 2017.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Joni L. Sherist
Deputy Clerk of Court

REQUESTED BY:
JEROME H. MOROUX, ATTY. FOR GILBERT DUGAS, ET AL
ATTORNEY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.
Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

MARK STRAUSS
740 CAMELBACK DRIVE
ARMUDA DUNES, CA 92201
VIA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the FIRST SUPPLEMENTAL AND AMENDING PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within THIRTY (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 20TH day of OCTOBER, 2017.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Joni L. Sheriot

Deputy Clerk of Court

REQUESTED BY:
JEROME MOROUX, ATTY. FOR GILBERT DUGAS, ET AL
ATTORNEY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

GILBERT DUGAS	16th JUDICIAL DISTRICT COURT
VS. NO.85926-A	PARISH OF ST. MARTIN
ACE AMERICAN INSURANCE COMPANY, ET AL	STATE OF LOUISIANA

CRST EXPEDITED INC.
1332 EDGEWOOD ROAD SW
CEDAR RAPIDS, IOWA 52406
VIA LA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the petition of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within ~~thirty~~ (30) days after the service hereof, under penalty of default.

IN WITNESS WHEREOF, Witness my official signature and seal at St. Martinville, St. Martin Parish, this 20TH day of OCTOBER, 2017.

BECKY P. PATIN
CLERK OF COURT
16th JUDICIAL DISTRICT
PARISH OF ST. MARTIN

By: *Joni L. Deriot*
Deputy Clerk of Court

REQUESTED BY:

Attorney: JEROME H. MOROUX, ATTY. FOR GILBERT DUGAS, ET AL

SERVICE INFORMATION

Received on the _____ day of _____, _____ and on the _____ day of _____, _____ served the above named party as follows:
PERSONAL SERVICE on the party herein named _____
DOMICILIARY SERVICE on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, _____.

SERVICE	\$ _____
MILEAGE	\$ _____
TOTAL	\$ _____

TO: JEROME MOROUX FROM: Becky P. Patin, Clerk of Court
ATTORNEY AT LAW St. Martin Parish
P. O. BOX 3524 P. O. Box 308, St. Martinville, LA 70582
LAFAYETTE, LA 70502 Phone: 337-394-2210 Fax: 337-394-7772

RE: SUIT NO. 85926-A PROBATE NO.

GILBERT DUGAS, ET AL

VS.

ACE AMERICAN INS. CO., ET AL

I AM ENCLOSING 2 CITATIONS ALONG WITH TRUE COPY OF FIRST SUPPLEMENTAL AND
AMENDING PETITION FOR SERVICE ON MARK STRAUSS AND CRST EXPEDITED INC.
THROUGH LA LONG ARM STATUTE.

Date of Notice October 20, 2017

TONI L. THERIOT
Deputy Clerk of Court

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

PROGRESSIVE SECURITY INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS
CT CORPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the FIRST SUPPLEMENTAL AND AMENDING PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 20TH day of OCTOBER, 2017.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Joni L. Sheriot

Deputy Clerk of Court

REQUESTED BY:
JEROME H. MOROUX, ATTY. FOR GILBERT DUGAS, ET AL
ATTORNEY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.
Service \$ _____

Mileage \$ _____

By: _____
Deputy Sheriff

Total \$ _____

[FILE]

TO: Sheriff FROM: Becky P. Patin
East Baton Rouge Parish Clerk of Court, St. Martin Parish
P. O. Box 3277 P. O. Box 308, St. Martinville, LA 70582
Baton Rouge, LA 70821-3277 Phone: 337-394-2210 Fax: 337-394-7772

RE: SUIT NO. 85926-A PROBATE NO. _____
GILBERT DUGAS _____
VS. _____
ACE AMERICAN INS. CO., ET AL _____

I AM ENCLOSING 2 CITATIONS ALONG WITH TRUE COPY OF FIRST SUPPLEMENTAL AND AMENDING PETITION FOR SERVICE ON ACE AMERICAN INS. CO. THRU SEC. OF STATE AND PROGRESSIVE SECURITY INS. CO. THRU CT CORPORATION SYSTEM. I AM ALSO ENCLOSING \$50.00 FOR SEC. OF STATE AND \$58.72 FOR SERVICE.

Date of Notice October 20, 2017

Toni L. Theriot
Deputy Clerk of Court

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:
PILOT TRAVEL CENTERS LLC
2112 REES ST.
BREAUX BRIDGE, LA 70517

of ST. MARTIN Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the FIRST SUPPLEMENTAL AND AMENDING PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 20TH day of OCTOBER, 2017.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Joni L. Sheriot
Deputy Clerk of Court

REQUESTED BY:
JEROME MOROUX, ATTY. FOR GILBERT DUGAS, ET AL
ATTORNEY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

FAX CONFIRMATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 10.16.17

DESCRIPTION OF TRANSMISSION: 1ST SUPPL. AMENDING PETITION

FILED ON BEHALF OF: _____


PERSON SIGNING PLEADING: J. MOROUX

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: 
Deputy Clerk of Court

Confirmation faxed to number: 233.2353

Date confirmation faxed: 10.16.17

Amount due: \$740.00

[FILE]

RECEIVED AND FILED

2017 OCT 18 AM 9:43


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PILOT TRAVEL CENTERS LLC
2112 REES ST.
BREAUX BRIDGE, LA 70517

of ST. MARTIN Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION, INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 17TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Kristie Prejean

Deputy Clerk of Court

REQUESTED BY:

MR. JEROME H. MOROUX

ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the 17 day of October, 2017 and on the 18 day of October, 2017 served the above named party as follows:

Personal Service on the party herein named Charlette Lafrange (general manager).
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ 31Total \$ 36.43

RECEIVED AND FILED

OCT 24 2017

By:

Deputy Sheriff

Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

OCT 31 2017

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**JEROME H MOROUX
BROUSSARD & DAVID
PO BOX 3524
LAFAYETTE, LA 70502**

Date of Service: Thursday, October 19, 2017

Number of Service: 1

**Personal/Domiciliary: PERSONAL ON PILOT TRAVEL CENTERS LLC THROUGH SHARLETTE
LAGRANGE (GENERAL MANAGER)**

Issued by the Clerk of Court on the 24TH day of OCTOBER, 2017.

Marcelle Dingo

Deputy Clerk of Court

**Pleading Served
CITATION**

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

ACE AMERICAN INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS:
LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVE.
BATON ROUGE, LA 70809

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION, INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 17TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Deputy Clerk of Court

REQUESTED BY:

MR. JEROME H. MOROUX

ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

I made service on the named party through the

Returned:

Parish of _____ this _____ day of _____ Office of the Secretary of State on _____

Service \$ _____

Mileage \$ _____

Total \$ _____

By:

Deputy Sheriff

OCT 24 2017

by tendering a copy of this document to

KATHY SUMMERS

DY. B. JAMES #0283

Deputy Sheriff, Parish of East Baton Rouge, Louisiana

[RETURN]

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**JEROME H MOROUX
BROUSSARD & DAVID
PO BOX 3524
LAFAYETTE, LA 70502**

Date of Service: Tuesday, October 24, 2017

Number of Service: 1

**Personal/Domiciliary: PERSONAL ON ACE AMERICAN INSURANCE COMPANY THOROUGH LOUISIANA
SECRETARY OF STATE**

Issued by the Clerk of Court on the 2ND day of NOVEMBER, 2017.

Marcelle Dineen

Deputy Clerk of Court

**Pleading Served
CITATION**

CITATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PROGRESSIVE SECURITY INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS
CT CORPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the FIRST SUPPLEMENTAL AND AMENDING PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 20TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Joni L. Sherist

Deputy Clerk of Court

REQUESTED BY:

JEROME H. MOROUX, ATTY. FOR GILBERT DUGAS, ET AL
ATTORNEY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____
Service \$ _____ By: _____ I made service on the named party through the _____

Mileage \$ _____

Total \$ _____

OCT 25 2017

[RETURN]

OCT 26 2017
by tendering a copy of this document to
☐ Jeannine Beauregard ☒ Brenna Beauregard
☐ Allison Reed
DEPUTY CLINE BRELAND
Parish of East Baton Rouge, Louisiana

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:
JEROME H MOROUX
BROUSSARD & DAVID
PO BOX 3524
LAFAYETTE, LA 70502

Date of Service: Thursday, October 26, 2017

Number of Service: 1

Personal/Domiciliary: PERSONAL ON PROGRESSIVE SECURITY INSURANCE COMPANY THROUGH CT CORPORATION SYSTEM

Issued by the Clerk of Court on the 2ND day of NOVEMBER, 2017.

Marcelle Dingy

Deputy Clerk of Court

Pleading Served
CITATION

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PROGRESSIVE SECURITY INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS:
CT CORPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION, INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 17TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: *Kristie Prejean*

Deputy Clerk of Court

REQUESTED BY:

MR. JEROME H. MOROUX

ATTORNEY FOR GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

I made service on the named party through the
CT Corporation

[RETURN]

OCT 24 2017
by tendering a copy of this document to
☐ Jeannine Beauregard ☒ Brenna Beauregard
☐ Allison Reed
DEPUTY CLINE BRELAND
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**JEROME H MOROUX
BROUSSARD & DAVID
PO BOX 3524
LAFAYETTE, LA 70502**

Date of Service: Tuesday, October 24, 2017

Number of Service: 1

Personal/Domiciliary: PERSONAL ON PROGRESSIVE SECURITY INSURANCE COMPANY THROUGH CT CORPORATION SYSTEM

Issued by the Clerk of Court on the 2ND day of NOVEMBER, 2017.

Marcella Dineen

Deputy Clerk of Court

**Pleading Served
CITATION**

CITATION

DUGAS, GILBERT

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

ACE AMERICAN INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS
LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVE.
BATON ROUGE, LA 70809

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the FIRST SUPPLEMENTAL AND AMENDING PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 20TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Joni L. Sheriot

Deputy Clerk of Court

REQUESTED BY:

JEROME H. MOROUX, ATTY. FOR GILBERT DUGAS, ET AL
ATTORNEY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____
Service \$ _____ Office of the Secretary of State on _____

Mileage \$ _____ By: _____ Deputy Sheriff

Total \$ _____
NOV 03 2017
OCT 25 2017
Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

I made service on the named party through the
day of _____, 20____
Office of the Secretary of State on _____

OCT 26 2017

by tendering a copy of this document to
KATHY SUMMERS
DY. B. JAMES #0283
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**JEROME H MOROUX
BROUSSARD & DAVID
PO BOX 3524
LAFAYETTE, LA 70502**

Date of Service: Thursday, October 26, 2017

Number of Service: 1

**Personal/Domiciliary: PERSONAL ON ACE AMERICAN INSURANCE COMPANY THROUGH LOUISIANA
SECRETARY OF STATE**

Issued by the Clerk of Court on the 3RD day of NOVEMBER, 2017.

Marcelle Dineen

Deputy Clerk of Court

**Pleading Served
CITATION**

CASLER, BORDELON, LAWLER & GELDER

Not a Partnership, Not a Corporation
Attorneys at Law
11550 Newcastle Avenue, Suite 200
Baton Rouge, LA 70816
Fax: (866) 516-8616

Sean P. Rabalais, Esq.
Direct Dial: (337) 347-0096
Email: Sean_P_Rabalais@Progressive.com
Legal Assistant: Kandice Dimaio-Moore
Direct Dial: (225) 663-4042
Email: kdimai01@progressive.com

SALARIED EMPLOYEES OF
PROGRESSIVE CASUALTY
INSURANCE COMPANY

November 1, 2017

Clerk of Court,
16th Judicial District Court for the Parish of St. Martin
415 S. Main Street
P.O. Box 308
St. Martinville, LA 70582-0308

RE: Gilbert Dugas v. Ace American Insurance Company, et al
16th Judicial District Court for St. Martin Parish No.: 85926 - Div "A"
Matter/Claim No.: 165956988

Dear Sir or Madam:

Please find enclosed the original and a copy of defendant, Progressive Security Insurance Company's *Answer to Petition for Damages and Request for Trial by Jury, Request for Notice and Jury Order* in connection with the above referenced matter. I ask that you file the original and return a conformed copy to me in the self-addressed, stamped envelope provided. Also enclosed, please find a check in the amount of \$460.00 to cover the cost of this request.

I thank you for your assistance in this matter.

Very truly yours,


Sean P. Rabalais

SPR/KDM

Enclosures

cc: Jerome H. Moroux, Esq. (w/encl.)

RECEIVED AND FILED

2017 NOV -6 AM 9:43


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO: 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

FILED: _____
CLERK

ANSWER TO PETITION FOR DAMAGES and REQUEST FOR TRIAL BY JURY

NOW INTO COURT, through undersigned counsel, comes Defendant, Progressive Security Insurance Company, and respectfully avers to Plaintiff's Petition for Damages as follows:

1.

The allegations of Paragraph 1 of the Petition for Damages are denied except to admit that Progressive Security Insurance Company is a domestic insurer licensed to do and doing business in the State of Louisiana.

2.

The allegations of paragraph 2 are denied for lack of sufficient information to justify a belief therein.

3.

The allegations of paragraph 3 are denied for lack of sufficient information to justify a belief therein.

4.

The allegations of paragraph 4 are denied for lack of sufficient information to justify a belief therein.

5.

The allegations of paragraph 5 are denied for lack of sufficient information to justify a belief therein.

6.

The allegations of paragraph 6 are denied for lack of sufficient information to justify a belief therein.

AND NOW FURTHER ANSWERING, it is averred,

7.

Defendant avers that plaintiff's damages, if any, were caused in whole or part through the fault of Gilbert Dugas, in the following non-exclusive particulars:

1. Failure to see what should have been seen, or seeing and failing to heed;
1. Failure to keep a proper lookout;
2. Last clear chance;
3. Failure to take evasive action in order avoid the collision; and,
4. Any and all other acts of negligence and/or fault which may be developed through discovery and which will be shown in the trial of this matter.

8.

Defendant avers that plaintiff has failed to mitigate damages which bars or reduces any recovery plaintiff may have in the premises herein.

9.

Defendant avers that various of the plaintiff's damages have been subrogated or otherwise extinguished and that the plaintiff lacks the right to receive compensation for those damages.

10.

Defendant avers that there are various policies ahead of the Progressive Security Insurance Company policy and pleads a credit for all such underlying limits.

11.

Defendant avers that it has or in the future may make payments under various portions of the applicable policy and pleads a credit for all such payments made.

12.

Defendant requests a trial by jury.

WHEREFORE, defendant, Progressive Security Insurance Company prays that this Answer to the Petition Damages be deemed good and sufficient; and that after all legal delays and due proceedings are had that there be judgment rendered and in favor of Progressive Security Insurance Company, dismissing, with prejudice, the Petition for Damages and for all other general and equitable relief as the circumstances may dictate.


Defendant further prays for a trial by jury.

CERTIFICATE OF SERVICE

I hereby certify that I have on this 1st day of November, 2017, served a copy of the foregoing on counsel for all parties to this proceeding via electronic mail, facsimile and/or U. S. Mail postage pre-paid.


Sean P. Rabalais

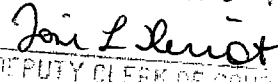
Respectfully submitted,
CASLER, BORDELON, LAWLER & GELDER



SEAN P. RABALAIS (#28410)
11550 Newcastle Avenue, Suite 200
Baton Rouge, LA 70816
Direct Dial: (337) 347-0096
Fax: (866) 516-8616
Attorney for Progressive Security Insurance Company

RECEIVED AND FILED

2017 NOV -6 AM 9:43


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO: 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

FILED: _____
CLERK

REQUEST FOR NOTICE

In accordance with LSA-CCP Article 1572, Defendant Progressive Security Insurance Company, requests that the Court give written notice by certified mail at least ten (10) days in advance of the date fixed for the trial or hearing of this case whether on exceptions, motions, rules or the merits.

Defendant requests immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon the rendition thereof as provided by LSA-CCP Articles 1913 and 1914, including notice of judgment, in the event this case is taken under advisement or if the judgment is not signed at the conclusion of the trial.

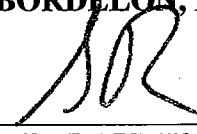
Notice is to be mailed to or served on the above-named defendants through undersigned counsel.

CERTIFICATE OF SERVICE

I hereby certify that I have on this 18th day of November, 2017, served a copy of the foregoing on counsel for all parties to this proceeding via electronic mail, facsimile and/or U. S. Mail, postage pre-paid.


Sean P. Rabalais

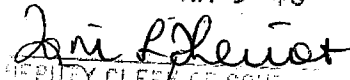
Respectfully submitted,
CASLER, BORDELON, LAWLER & GELDER



SEAN P. RABALAIS (#28410)
11550 Newcastle Avenue, Suite 200
Baton Rouge, LA 70816
Direct Dial: (337) 347-0096
Fax: (866) 516-8616
Attorney for Progressive Security Insurance Company

RECEIVED AND FILED

2017 NOV -6 AM 9:43


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO: 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

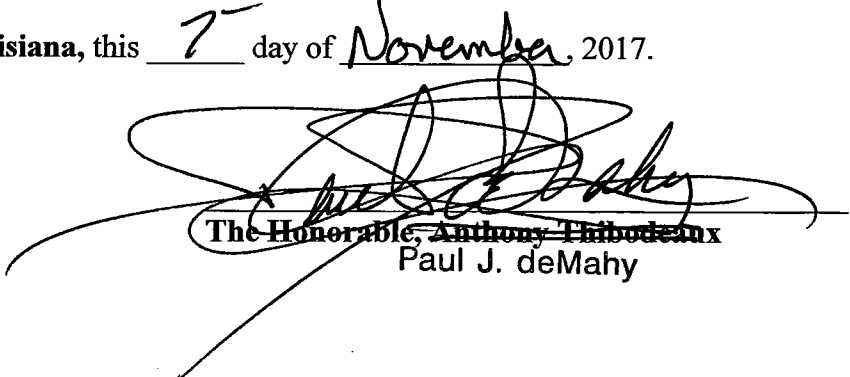
ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

FILED: _____
CLERK

JURY ORDER

In accordance with Code of Civil Procedure, bond in the amount of \$ 10,000.00 is to be posted within (60) days prior to trial or this matter will be placed as a bench trial at the end of the docket. A Juror filing fee of \$150.00 is to be deposited with the Clerk of Court. The fee is to be deposited with the Clerk along with your request for trial date. No deposit will be given without said deposit. This is pursuant to R.S. 13:3049 (B)(2)(a).

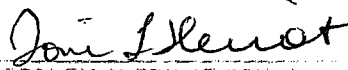
St. Martinville, Louisiana, this 7 day of November, 2017.


The Honorable, ~~Anthony Thibodeaux~~
Paul J. deMahy

Requested by Defendant Progressive Security Insurance Company

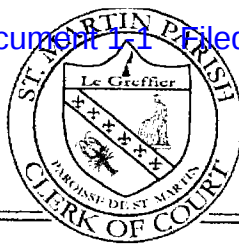
RECEIVED AND FILED

2017 NOV -6 AM 9:43


REPUTY CLERK OF COURT
ST. MARTIN PARISH

Becky P. Patin

Clerk of Court • St. Martin Parish
P.O. Box 308
St. Martinville, Louisiana 70582



(337) 394-2210 • (337) 332-4136
Fax (337) 394-7772

NOVEMBER 8, 2017

SEAN P. RABALAIS
ATTORNEY AT LAW
11550 NEWCASTLE AVE., STE. 200
BATON ROUGE, LA 70816

RE: GILBERT DUGAS
VS. # 85926-A
ACE AMERICAN INS. CO., ET AL

Dear MR. RABALAIS,

Pursuant to your motion, the Court has entered an order, a copy of which is enclosed, granting a jury trial in the above captioned matter, conditioned upon your client posting the bond referred to therein within the time specified, and payment of all other sums when and as required by law.

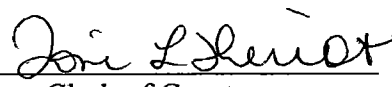
The bond must be on a form, as per the enclosed, which has been approved by the Court.

Also enclosed is a copy of Rule 10.5 of this Court. You are cautioned that immediately upon the conclusion of the trial, regardless of the outcome, the presiding judge, pursuant to Rule 10.5, will enter an order, a copy of which is also enclosed, requiring your client to advance an amount sufficient to cover all costs related to the trial by jury within ten (10) days thereafter. You and your client should be prepared to comply with that order and this is to give you sufficient advance notice beforehand.

Of course, as provided by Rule 10.5 and the order, your client's right to recover the amount advanced from the party or parties cast for costs when the judgment eventually entered herein becomes executory, will be reserved to you.

Please be guided accordingly.

Yours very truly,


Deputy Clerk of Court

Courthouse Annex

CITATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PILOT TRAVEL CENTERS LLC
2112 REES ST.
BREAUX BRIDGE, LA 70517

of ST. MARTIN Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the FIRST SUPPLEMENTAL AND AMENDING PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 20TH day of OCTOBER, 2017.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Joni L. Sheriot

Deputy Clerk of Court

REQUESTED BY:

JEROME MOROUX, ATTY. FOR GILBERT DUGAS, ET AL
ATTORNEY

Service Information

Received on the 23th day of October, 20 17 and on the 23th day of October, 20 17 served the above named party as follows: 09:15

Personal Service on the party herein named Harold Lafourcade & Sharlette LaGrange
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of St. Martin this 23th day of October, 20 17.

Service \$ _____

Mileage \$ 32Total \$ 36.96

By:

Deputy Sheriff

NOV 7 2017

[RETURN]

16th Judicial District Court
St. Martin Parish, LA

OC 23:25

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**JEROME H MOROUX
BROUSSARD & DAVID
PO BOX 3524
LAFAYETTE, LA 70502**

Date of Service: Monday, October 23, 2017

Number of Service: 1

**Personal/Domiciliary: PERSONAL ON PILOT TRAVEL CENTERS LLC THROUGH SHARLETTE
LAGRANGER**

Issued by the Clerk of Court on the 7TH day of NOVEMBER, 2017.

Marcelle Dineen

Deputy Clerk of Court

**Pleading Served
CITATION**

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

November 21, 2017

The Honorable Becky P. Patin
Clerk of Court
414 St. Martin Street
P. O. Box 308
St. Martinville, Louisiana 70582

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

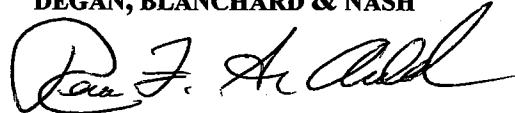
Dear Clerk Patin:

Please find enclosed the original and one copy of *Ace American Insurance Company and CRST Expedited, Inc.'s Answer and Affirmative Defenses to Original Petition and First Supplemental and Amending Petitions, and Request for Trial by Jury and Request for Notice* which we previously fax-filed in connection with the above referenced matter. Once the original pleadings have been filed, please return a conformed copy of each to me using the enclosed self-addressed, stamped envelope. Also enclosed are the Court's fax confirmations page and our firm check in the amount of \$325.00 in satisfaction of the Court's fax and filing fees.

Thank you for your assistance, and please do not hesitate to contact my office should you have any questions regarding this filing.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw
Enclosures
cc: Jerome H. Moroux

RECEIVED AND FILED

2017 NOV 27 AM 9:51


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

{00248459.DOC;1}

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY**

FILED: _____

DEPUTY CLERK

**ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
ANSWER AND AFFIRMATIVE DEFENSES TO ORIGINAL PETITION
AND FIRST SUPPLEMENTAL AND AMENDING PETITIONS,
AND REQUEST FOR TRIAL BY JURY**

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), which respond to the original Petition for Damages ("Petition") and First Supplemental and Amending Petition ("Amending Petition") of Plaintiffs, Gilbert Dugas ("Dugas") and Rachel Dugas, denying each and every allegation, except those specifically admitted, as follows:

ANSWER TO ORIGINAL PETITION FOR DAMAGES

1.

Defendants, Ace American and CRST Expedited, deny the allegations in the unnumbered, opening paragraph of Plaintiff's Petition for lack of sufficient information to justify a belief therein.

2.

The allegations contained in paragraph 1 of Plaintiff's Petition are admitted only regarding Ace American's status as a foreign insurance company but Defendants deny that CRST Expedited is licensed to do business in the State of Louisiana. Defendants deny any other allegations directed to them contained in Paragraph 1. Defendants further deny the remaining allegations of paragraph

1 directed to other defendants for lack of knowledge or information sufficient to justify a belief as to the truth of the matters alleged.

3.

The allegations of paragraph 2 of Plaintiff's Petition directed to Defendants are denied. Defendants further deny the remaining allegations of Paragraph 2 directed to other Defendants for lack of knowledge or information to justify a belief as to the truth of the matters alleged.

4.

The allegation contained in paragraph 3 of Plaintiff's Petition are denied.

5.

The allegations contained in paragraph 4 of Plaintiff's Petition do not require a response from the Defendants. Out of abundance of caution, however, Defendants deny the allegations of paragraph 4 of the Petition directed to another Defendants for lack of information to justify a belief as to the truth of the matters alleged.

6.

The allegations contained in paragraph 5 of Plaintiff's Petition are denied.

7.

The allegations contained in paragraph 6 of Plaintiff's Petition do not require a response from Defendants, Ace American and CRST Expedited, to the extent that they state legal conclusions. Out of abundance of caution, however, Defendants deny the allegations of paragraph 6 for lack of sufficient information to justify a belief therein.

8.

The unnumbered prayer for relief does not require a response from Defendants. To the extent an answer is deemed required, Defendants deny the allegations in the prayer for relief.

9.

Ace American and CRST Expedited deny all allegations in the Petition for Damages that have not previously been admitted, qualified, or denied.

**ANSWER TO PLAINTIFFS' FIRST SUPPLEMENTAL AND AMENDING
PETITION FOR DAMAGES**

10.

Defendants, Ace American and CRST Expedited, deny the unnumbered opening paragraph of Plaintiffs' First Supplemental and Amending Petition for lack of information sufficient to justify a belief therein.

11.

The allegations contained in paragraph I of Plaintiffs' Supplemental and Amending Petition do not require a response from Defendants. To the extent an answer is deemed required, Defendants deny the allegations contained in paragraph I of Plaintiff's Supplemental and Amending Petition.

12.

The allegations contained in paragraph II of Plaintiffs' Supplemental and Amending Petition do not require a response from Defendants. To the extent an answer is deemed required, Defendants deny the allegations contained in paragraph II of Plaintiffs' Supplemental and Amending Petition.

13.

The allegations contained in paragraph II - 7 of Plaintiffs' Supplemental and Amending Petition directed to Defendants are denied for lack of information sufficient to justify a belief therein. The remaining allegations directed to other Defendants are denied for lack of information to justify a belief therein.

14.

The allegations contained in paragraph II - 8 of Plaintiffs' Supplemental and Amending Petition are denied.

15.

The unnumbered prayer for relief does not require a response from Defendants. To the extent an answer is deemed required, Defendants deny the allegations in the prayer for relief.

16.

Ace American and CRST Expedited deny all allegations in the Supplemental and Amending Petition for Damages that have not been previously admitted, qualified, or denied.

AFFIRMATIVE DEFENSES

AND NOW, as and for their Affirmative Defenses, Defendants, Ace American and CRST Expedited, respectfully plead as follows:

FIRST AFFIRMATIVE DEFENSE

Plaintiffs failed to state a cause of action and/or a right of action for which relief may be granted against Ace American and CRST Expedited.

SECOND AFFIRMATIVE DEFENSE

Ace American and CRST Expedited acted with due care at all times.

THIRD AFFIRMATIVE DEFENSE

Ace American and CRST Expedited, at all times, complied with all applicable laws, regulations, and standards.

FOURTH AFFIRMATIVE DEFENSE

Ace American and CRST Expedited are free from any and all negligence.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' alleged damages did not result, in whole or in part, from any action on behalf of Ace American and CRST Expedited.

SIXTH AFFIRMATIVE DEFENSE

Ace American and CRST Expedited did not owe any duty to Plaintiffs. Alternatively, Ace American and CRST Expedited did not breach any duties owed to Plaintiffs. Alternatively, any breach of duty owed by Ace American and CRST Expedited to Plaintiffs was not the proximate cause of the injuries and damages alleged in the Petitions.

SEVENTH AFFIRMATIVE DEFENSE

Ace American and CRST Expedited aver that the alleged injuries and damages, if any, were caused in whole or in part, by the Plaintiffs' own errors, acts, decisions, omissions, negligence, assumption of the risk and/or fault. Such errors, acts, omissions, negligence, and/or

fault should operate to completely bar recovery against Defendants, or in the alternative, to reduce any recovery against Defendants.

EIGHTH AFFIRMATIVE DEFENSE

Defendants aver that Plaintiffs failed to take appropriate action to mitigate their damages.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' alleged damages, if any, were caused, in whole or in part, by the errors, acts, omissions, negligence, and/or fault of third parties for whom Defendants are not responsible in whole or in part. Such errors, omissions, negligence, and/or fault should operate completely to bar recovery against Ace American and CRST Expedited or, alternatively, to reduce any recovery against Ace American and CRST Expedited.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' alleged damages, if any, were caused by, or aggravated by, preceding, superseding, independent, and/or intervening causes for which Ace American and CRST Expedited are not responsible in whole or in part, and such causes operate to bar recovery completely against Defendants or, alternatively, to reduce any recovery against Defendants.

ELEVENTH AFFIRMATIVE DEFENSE

Defendants deny that any medical condition or injuries claimed by Plaintiffs were caused by the accident sued upon herein and further avers that any such conditions were pre-existing or otherwise unrelated to the accident sued upon herein.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrines of waiver, estoppel and/or unclean hands.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by accord and satisfaction, res judicata, prescription, preemption, abandonment, laches, and/or the applicable statutes of limitation.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs suffered no losses, and, therefore, the doctrine of *damnum absque injuria* applies.

FIFTEENTH AFFIRMATIVE DEFENSE

To the extent that Ace American and CRST Expedited are found to have any liability to Plaintiffs in this suit, which liability Defendants absolutely deny, Ace American and CRST

Expedited are entitled to contribution and/or indemnity from third parties for any damages that Ace American and CRST Expedited are compelled to pay Plaintiffs as well as attorneys' fees and costs incurred by them in defending this suit.

SIXTEENTH AFFIRMATIVE DEFENSE

Further pleading in the alternative, Defendants show that they are entitled to a credit or offset of any sums paid to Plaintiffs by any persons, firm, or insurer liable to Plaintiffs for all or any portion of Plaintiffs' damages, if any.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' right to recovery is barred or diminished as a result of a pre-existing medical condition; an exaggeration of symptoms; lack of medical causation and/or; lack of proximate causation.

EIGHTEENTH AFFIRMATIVE DEFENSE

Defendants submit that the sole and/or proximate cause of the subject accident was the fault and/or negligence on the part of the Plaintiffs, Gilbert Dugas and Rachel Dugas.

NINETEENTH AFFIRMATIVE DEFENSE

Defendants submit that the sole and/or proximate cause of the subject accident was the fault and/or negligence on the part of the Plaintiffs, Gilbert Dugas and Rachel Dugas.

TWENTIETH AFFIRMATIVE DEFENSE

The Policy contains a number of terms, conditions, limitations, and exclusions. To the extent any of these exclusions apply, no insurance is afforded.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs have made fraudulent claims against the Defendants.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Ace American and CRST Expedited hereby give notice that they intend to rely on such other defenses as may become available by law or during discovery and hereby reserve their rights to amend their answer to assert such defenses.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Ace American and CRST Expedited adopt all defenses, which have been filed or will be filed by other parties, as if copied herein *in extenso*, to the extent that such defenses are not

inconsistent with Ace American's and CRST Expedited's defenses, and re-urge and reserve the right to urge those affirmative defenses at the appellate level.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Defendants respectfully plead any and all other defenses and/or affirmative defenses available to them under applicable law and respectfully reserve the right to supplement and/or amend their answer and affirmative defenses as may be necessary upon discovery, review of additional documents, and the development of other pertinent facts.

JURY DEMAND

Ace American and CRST Expedited are entitled to and demand a trial by jury on all issues herein.

WHEREFORE, Ace American Insurance Company and CRST Expedited, Inc., Defendants, pray that this Answer and Affirmative Defenses to Plaintiff's original Petition for Damages and Plaintiffs' First Supplemental and Amending Petition for Damages be deemed good and sufficient and that, after due proceeding are had, there be judgment rendered in their favor and against Plaintiffs, Gilbert Dugas and Rachel Dugas, dismissing Plaintiffs' suit with prejudice and at Plaintiffs' cost and for all other relief which may be just and equitable as provided by law. Further, Defendants pray for a trial by jury.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4840)
RENEE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com

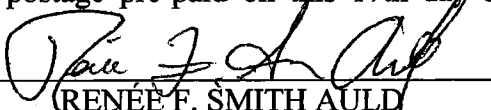
*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

RECEIVED AND FILED
2017 NOV 27 AM 9:51

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 17th day of November, 2017.



RENEE F. SMITH AULD

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VS. # 85926 PARISH OF ST. MARTIN

ACE AMERICAN INSURANCE CO., ET AL STATE OF LOUISIANA

JURY ORDER

Considering the request for trial by jury, IT IS ORDERED that this matter be tried before a jury and that mover, ACE AMERICAN INSURANCE COMPANY("ACE AMERICAN") AND CRST EXPEDITED, INC. ("CRST EXPEDITED"), is ordered to post bond in the amount of **\$10,000.00**, said bond to be posted within 60 days from the receipt of Notice of Fixing of this case for trial on the merits, as well as posting the jury filing fee in the amount of \$150.00 as required in SENATE BILL NO. 212, ACT NO. 302, copy of which is attached hereto, and such other amounts when and as required by law.

St. Martinville, LA, this 28th day of Nov, 2017


JUDGE

Vincent J. Borne

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NOV 27 2017


Deputy Clerk of Court
St. Martin Parish, LA

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY**

FILED: _____

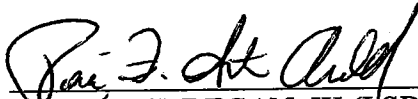
DEPUTY CLERK

**ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
REQUEST FOR NOTICE**

Pursuant to Articles 1572, 1913, and 1914 of the Louisiana Code of Civil Procedure, undersigned counsel for Defendants, Ace American Insurance Company and CRST Expedited, Inc., request written notice by mail at least ten (10) days in advance of all trial dates, dates of arguments or hearings (whether on merits or otherwise), signing of any final judgment, rendition of any interlocutory orders, judgments, or decrees and any and all formal steps taken by the parties, the Judge, or any member of the Court in the above-entitled and numbered cause.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

RECEIVED AND FILED

2017 NOV 27 AM 9:51



DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 17th day of November, 2017.

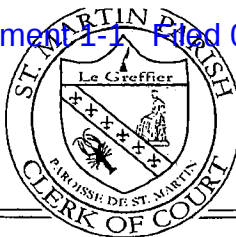

RENEE F. SMITH AULD

Becky P. Patin

Clerk of Court • St. Martin Parish

P.O. Box 308

St. Martinville, Louisiana 70582



(337) 394-2210 • (337) 332-4136

Fax (337) 394-7772

November 29, 2017

Ms. Renee F. Smith Auld
Attorney at Law
400 Poydras Street, Suite 2600
New Orleans, La 70130

RE: Gilbert Dugas
VS. # 85926-A
Ace American Insurance Company, et al

Dear Ms. Auld,

Pursuant to your motion, the Court has entered an order, a copy of which is enclosed, granting a jury trial in the above captioned matter, conditioned upon your client posting the bond referred to therein within the time specified, and payment of all other sums when and as required by law.

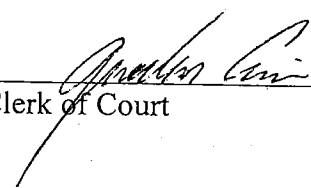
The bond must be on a form, as per the enclosed, which has been approved by the Court.

Also enclosed is a copy of Rule 10.5 of this Court. You are cautioned that immediately upon the conclusion of the trial, regardless of the outcome, the presiding judge, pursuant to Rule 10.5, will enter an order, a copy of which is also enclosed, requiring your client to advance an amount sufficient to cover all costs related to the trial by jury within ten (10) days thereafter. You and your client should be prepared to comply with that order and this is to give you sufficient advance notice beforehand.

Of course, as provided by Rule 10.5 and the order, your client's right to recover the amount advanced from the party or parties cast for costs when the judgment eventually entered herein becomes executory, will be reserved to you.

Please be guided accordingly.

Yours very truly,


Deputy Clerk of Court

Courthouse Annex



Keogh, Cox & Wilson, Ltd.
701 Main Street, Baton Rouge, LA 70802
P.O. Box 1151, Baton Rouge, LA 70821
P 225 383 3796 F 225 343 9612
keoghcox.com

JOHN P. WOLFF, III, Partner
jwolff@keoghcox.com

December 7, 2017

VIA U.S. MAIL



Hon. Becky P. Patin
16th JDC Clerk of Court
P. O. Box 308
St. Martinville, LA 70582

RE: *Gilbert Dugas v. Ace American Insurance Company, et al.*
Docket No.: 85,926-A; 16th Judicial District Court; Parish of St. Martin
Our File No.: 40.1728927

Dear Clerk:

Please find enclosed an original plus one copy of a *Request for Notice of Trial Date, Etc.* for filing in the referenced matter. Our check in the amount of \$75.00 is also enclosed for the filing fee. Please return a file-stamped copy **and paid receipt** to us in the stamped, self-addressed envelope provided.

Thank you for your assistance.

Very truly yours,

KEOGH, COX & WILSON, LTD.

JOHN P. WOLFF, III

JPW/msk
Enclosures

cc (w/encl.): Jerome Moroux (*Via Email*)

RECEIVED AND FILED

2017 DEC 11 AM 9:11

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS

*

NUMBER 85,926 SECTION "A"

VERSUS

*

16TH JUDICIAL DISTRICT COURT

ACE AMERICAN INSURANCE CO.,
CRST EXPEDITED, INC., MARK
STRAUSS, PILOT TRAVEL CENTERS,
LLC - STORE #274 and PROGRESSIVE
INSURANCE COMPANY

*

PARISH OF ST. MARTIN

*

STATE OF LOUISIANA


REQUEST FOR NOTICE OF TRIAL DATE, ETC.

To the Clerk of the 16th Judicial District Court, within and for the Parish of St. Martin,
State of Louisiana:

PLEASE TAKE NOTICE that John P. Wolff, III of the law firm of KEOGH, COX
& WILSON, LTD., does hereby request written notice of the date of the trial of the above
matter as well as notice of hearings (whether on merits or otherwise), orders, judgments and
interlocutory decrees, and any and all formal steps taken by the parties herein, the Judge or
any member of the Court, as provided in Louisiana Code of Civil Procedure, particularly
Article 1572, 1913 and 1914.

Respectfully Submitted,

BY:


JOHN P. WOLFF, III, Bar #14504
KEOGH, COX & WILSON, LTD.
701 Main Street
Post Office Box 1151
Baton Rouge, Louisiana 70821
Telephone: (225) 383-3796
Facsimile: (225) 343-9612
Email: jwolff@keoghcox.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing has been served this day upon all
known counsel of record by placing a copy in the United States Mail, properly addressed and
postage prepaid, and/or by electronic transmission and/or facsimile transmission.

Baton Rouge, Louisiana, this 7th day of December, 2017.


JOHN P. WOLFF, III

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2017 DEC 11 AM 9:11


DEPUTY CLERK OF COURT
ST. MARTIN PARISH



Keogh, Cox & Wilson, Ltd.
701 Main Street, Baton Rouge, LA 70802
P.O. Box 1151, Baton Rouge, LA 70821
P 225 383 3796 F 225 343 9612
keoghcox.com

JOHN P. WOLFF, III, Partner
jwolff@keoghcox.com
CHAD A. SULLIVAN, Partner
csullivan@keoghcox.com
TORI S. BOWLING, Partner
tbowling@keoghcox.com
RICHARD W. WOLFF, Partner
rwolff@keoghcox.com

January 30, 2018
VIA U.S. MAIL

Hon. Becky P. Patin
16th JDC Clerk of Court
P. O. Box 308
St. Martinville, LA 70582

FILE

RE: *Gilbert Dugas v. Ace American Insurance Company, et al.*
Docket No.: 85,926-A; 16th Judicial District Court; Parish of St. Martin
Our File No.: 40.1728927

Dear Clerk:

Please find enclosed an original plus one copy of an *Answer to Petition for Damages and First Supplemental and Amending Petition for Damages, with Jury Order*, for filing in the referenced matter on behalf of **Pilot Travel Centers, LLC** and **Ace American Insurance Company, as Insurer for Pilot Travel Centers, LLC**. Our check in the amount of \$250 is also enclosed to cover the filing fees. Please return a file-stamped copy and paid receipt (or copy of ledger report indicating our payment of \$250) to us in the stamped, self-addressed envelope provided.

Thank you for your assistance.

Very truly yours,
KEOGH, COX & WILSON, LTD.

JOHN P. WOLFF, III
CHAD A. SULLIVAN
TORI S. BOWLING
RICHARD W. WOLFF

JPW:dw
Enclosures
cc(w/enc):

Jerome Moroux - jerome@broussard-david.com
Renee F Smith Auld, Esq. - rsmithauld@degan.com
Sean P. Rabalais, Esq. - Sean_P_Rabalais@progressive.com

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DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS	*	NUMBER 85,926 SECTION "A"
VERSUS	*	16 TH JUDICIAL DISTRICT COURT
ACE AMERICAN INSURANCE CO., CRST EXPEDITED, INC., MARK STRAUSS, PILOT TRAVEL CENTERS, LLC - STORE #274 and PROGRESSIVE INSURANCE COMPANY	*	PARISH OF ST. MARTIN STATE OF LOUISIANA

**ANSWER TO PETITION FOR DAMAGES
AND FIRST SUPPLEMENTAL AND AMENDING
PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, come Defendants, **PILOT TRAVEL CENTERS, LLC** (referred to in Petition as Pilot Travel Centers, LLC-Store #274), and **ACE AMERICAN INSURANCE COMPANY, as Insurer for Pilot Travel Centers, LLC**, who, in answer to plaintiff's original Petition for Damages and First Supplemental and Amending Petition for Damages, respectfully represent:

FIRST DEFENSE

The Petition fails to state a claim upon which relief may be granted.

SECOND DEFENSE

(Non-Conformity)

The Petition fails to conform with the requirements of Code of Civil Procedure, Article 893.

THIRD DEFENSE

(Motion to Strike)

Defendants move to strike all allegations of *in solido* liability.

ANSWER TO PETITION FOR DAMAGES

1.

To the extent that the allegations of paragraph 1 of the plaintiff's Petition relate to the alleged fault and/or negligence of defendants herein, said allegations are denied. In all other

respects, said allegations are denied for lack of sufficient information to justify a belief therein.

2.

To the extent that the allegations of paragraph 2 of the plaintiff's Petition relate to the alleged fault and/or negligence of defendants herein, said allegations are denied. In all other respects, said allegations are denied for lack of sufficient information to justify a belief therein.

3.

To the extent that the allegations of paragraph 3 of the plaintiff's Petition relate to the alleged fault and/or negligence of defendants herein, said allegations are denied. In all other respects, said allegations are denied for lack of sufficient information to justify a belief therein.

4.

To the extent that the allegations of paragraph 4 of the plaintiff's Petition relate to the alleged fault and/or negligence of defendants herein, said allegations are denied. In all other respects, said allegations are denied for lack of sufficient information to justify a belief therein.

5.

The allegations of paragraph 5 of the plaintiff's Petition are denied.

6.

To the extent that the allegations of paragraph 6 of the plaintiff's Petition relate to the alleged fault and/or negligence of defendants herein, said allegations are denied. In all other respects, said allegations are denied for lack of sufficient information to justify a belief therein.

ANSWER TO FIRST SUPPLEMENTAL AND AMENDING PETITION

I.

To the extent that the allegations of paragraph I of the plaintiff's First Supplemental and Amending Petition relate to the alleged fault and/or negligence of defendants herein, said allegations are denied. In all other respects, said allegations are denied for lack of sufficient information to justify a belief therein.

II.

(purporting to add Paragraph 7 to Petition)

To the extent that the allegations of paragraph II of the plaintiff's First Supplemental and Amending Petition, purporting to add Paragraph 7 to the original Petition, relate to the alleged fault and/or negligence of defendants herein, said allegations are denied. In all other respects, said allegations are denied for lack of sufficient information to justify a belief therein.

II.

(purporting to add Paragraph 8 to Petition)

The allegations of paragraph II of the plaintiff's First Supplemental and Amending Petition, purporting to add Paragraph 8 to the original Petition, are denied.

AFFIRMATIVE DEFENSES

1.

In further answer to the plaintiff's Petition for Damages and First Supplemental and Amended Petition for Damages herein, it is affirmatively alleged that the incident sued upon occurred as a result of Plaintiff's contributory and/or comparative negligence/fault, said negligence/fault operating to completely bar, or alternatively, to substantially mitigate recovery by Plaintiff or on Plaintiff's behalf herein; said negligence/fault being comprised of the following non-exclusive, particularized acts, among others, to be more fully shown at

the time of trial, to-wit:

- A. Failure to maintain control of vehicle;
- B. Failure to keep a proper lookout;
- C. Failure to act with due care;
- D. Failure to mitigate damages; and
- E. In general, failure to do what should have been done and to see what should have been seen in order to avoid the accident made subject of this suit.

2.

In further answer to the Petitions herein, it is affirmatively alleged that the incident sued upon occurred as a result of the negligence and/or fault of third persons or parties for whom defendants herein are not liable.

DEMAND FOR TRIAL BY JURY


Defendants, PILOT TRAVEL CENTERS, LLC and ACE AMERICAN INSURANCE COMPANY, as Insurer for Pilot Travel Centers, LLC, are entitled to and request a trial by jury on all issues triable by jury on both the main and any incidental demands.

WHEREFORE, premises considered, Defendants, PILOT TRAVEL CENTERS, LLC and ACE AMERICAN INSURANCE COMPANY, as Insurer for Pilot Travel Centers, LLC, respectfully pray that their Answer to the plaintiff's Petition for Damages and First Supplemental and Amending Petition for Damages be deemed good and sufficient and that after all legal delays and due proceedings are had herein, there be judgment in Defendants' favor, dismissing Plaintiff's demands at Plaintiff's sole cost and prejudice; Defendants further pray for a trial by jury on all issues triable by jury on both the main and any incidental demands.

AND FOR ALL GENERAL AND EQUITABLE RELIEF, ETC.

RESPECTFULLY SUBMITTED,

BY:




JOHN P. WOLFF, III (#14504)
CHAD A. SULLIVAN (#27657)
TORI S. BOWLING (#30058)
RICHARD W. WOLFF (#34844)
KEOGH, COX & WILSON, LTD.
701 Main Street (70802)
Post Office Box 1151
Baton Rouge, Louisiana 70821
Telephone: (225) 383-3796
Telecopier: (225) 343-9612
Email: jwolff@keoghcox.com
csullivan@keoghcox.com
tbowling@keoghcox.com
rwolff@keoghcox.com

Pilot Travel Centers, LLC and Ace American Insurance Company, as Insurer for Pilot Travel Centers, LLC

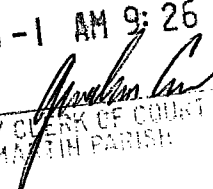
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing has been served this day upon all known counsel of record by placing a copy in the United States Mail, properly addressed and postage prepaid, and/or by electronic transmission and/or facsimile transmission.

Baton Rouge, Louisiana, this 30th day of January, 2018.



JOHN P. WOLFF, III

RECEIVED AND FILED
2018 FEB -1 AM 9:26

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS * NUMBER 85,926 SECTION "A"
VERSUS * 16TH JUDICIAL DISTRICT COURT
ACE AMERICAN INSURANCE CO.,
CRST EXPEDITED, INC., MARK * PARISH OF ST. MARTIN
STRAUSS, PILOT TRAVEL CENTERS,
LLC - STORE #274 and PROGRESSIVE
INSURANCE COMPANY * STATE OF LOUISIANA

JURY ORDER

Considering the foregoing;

IT IS HEREBY ORDERED that Defendants, **PILOT TRAVEL CENTERS, LLC** and **ACE AMERICAN INSURANCE COMPANY**, as Insurer for Pilot Travel Centers, LLC, be entitled to a trial by jury on all issues triable by jury on both the main demand and any incidental demand upon posting a bond in the amount of \$_____ within _____ days of Notice of Trial.

Baton Rouge, Louisiana, this _____ day of _____, 2018.

HONORABLE ANTHONY THIBODEAUX
Judge, 16th Judicial District Court

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2018 FEB -1 AM 9:26

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

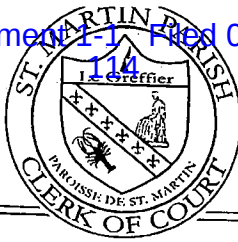
See
Attached
Order

Becky P. Patin

Clerk of Court • St. Martin Parish

P.O. Box 308

St. Martinville, Louisiana 70582



(337) 394-2210 • (337) 332-4136
Fax (337) 394-7772

February 2, 2018

Mr. John P. Wolff, III
Attorney at Law
P.O. Box 1151
Baton Rouge, La 70821

RE: Gilbert Dugas
VS. # 85926-A
Ace American Insurance Co., et al

Dear Mr. Wolff,

Pursuant to your motion, the Court has entered an order, a copy of which is enclosed, granting a jury trial in the above captioned matter, conditioned upon your client posting the bond referred to therein within the time specified, and payment of all other sums when and as required by law.

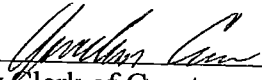
The bond must be on a form, as per the enclosed, which has been approved by the Court.

Also enclosed is a copy of Rule 10.5 of this Court. You are cautioned that immediately upon the conclusion of the trial, regardless of the outcome, the presiding judge, pursuant to Rule 10.5, will enter an order, a copy of which is also enclosed, requiring your client to advance an amount sufficient to cover all costs related to the trial by jury within ten (10) days thereafter. You and your client should be prepared to comply with that order and this is to give you sufficient advance notice beforehand.

Of course, as provided by Rule 10.5 and the order, your client's right to recover the amount advanced from the party or parties cast for costs when the judgment eventually entered herein becomes executory, will be reserved to you.

Please be guided accordingly.

Yours very truly,


Deputy Clerk of Court

Courthouse Annex

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VS. # 85926-A

PARISH OF ST. MARTIN

ACE AMERICAN INSURANCE CO.,
CRST EXPEDITED, INC., MARK
STRAUSS, PILOT TRAVEL CENTERS,
LLC-STORE #274 AND PROGRESSIVE
INSURANCE COMPANY

STATE OF LOUISIANA

JURY ORDER

Considering the request for trial by jury, IT IS ORDERED that this matter be tried before a jury and that mover, **PILOT TRAVEL CENTERS, LLC (referred to in Petition as Pilot Travel Centers, LLC-Store #274) and ACE AMERICAN INSURANCE COMPANY, as insurer for Pilot Travel Centers, LLC**, is ordered to post bond in the amount of **\$10,000.00**, said bond to be posted within 60 days from the receipt of Notice of Fixing of this case for trial on the merits, as well as posting the jury filing fee in the amount of \$150.00 as required in SENATE BILL NO. 212, ACT NO. 302, copy of which is attached hereto, and such other amounts when and as required by law.

St. Martinville, LA, this 1 day of February, 2018.

Lew H Pitman, Jr
JUDGE

LEWIS H. PITMAN, JR.

RECEIVED AND FILED

JAN 26 2018

[Signature]
Deputy Clerk of Court
St. Martin Parish, LA

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

February 8, 2017

VIA FACSIMILE (337) 394-2240

The Honorable Becky P. Patin
Clerk of Court
414 St. Martin Street
P. O. Box 308
St. Martinville, Louisiana 70582

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Clerk Patin:

Please find attached for fax filing *Defendants' Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony and Defendants' Memorandum in Support of Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony* in connection with the above referenced matter. After filing each into the record, please forward to us via fax the amount due for filing fees. We will forward the originals and all fees to you within the next seven days, pursuant to L.S.A.-R.S. 13:850.

Thank you for your assistance with this request. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw

Attachments

cc: Jerome H. Moroux (Via US Mail)
John Wolff, III (Via US Mail and email jwolff@keoghcox.com)
Sean P. Rabalais (Via US Mail and email Sean_P_Rabalais@progressive.com)

DEGAN, BLANCHARD & NASH

Suite 2600, Texaco Center
400 Poydras Street
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337

FACSIMILECOVERSHEET

TO: FAX NO.: (337) 394-2240
Clerk of Court
16th Judicial District Court
Parish of St. Martin

DATE: February 8, 2018	FROM: Denise Wade
REFERENCE: 353-10961	PAGES (Including Cover Sheet)

FACSIMILE MESSAGE:
Please file the attached for fax filing.
* Please note that there is one service for Lafayette Parish and
2 services in East Baton Rouge Parish. *

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for a return of the documents.

If there is any problem receiving this message, please call (504) 529-3333. Facsimile sent by Denise Wade.

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY**

FILED: _____
DEPUTY CLERK

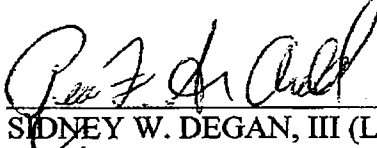
**DEFENDANTS' MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), which move this Honorable Court for an Order requiring Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond to Interrogatories and Requests for Production of Documents propounded upon them on December 7, 2018 in accordance with the Louisiana Code of Civil Procedure. The time allowed to respond to the discovery has lapsed, but the Plaintiffs have failed to respond. Moreover, Defendants move this Honorable Court for and Order compelling Plaintiffs to be deposed within a month of the hearing on this matter.

WHEREFORE, Defendants, Ace American Insurance Company and CSRT Expedited, Inc, pray for an Order compelling Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond fully, completely and without objection to all outstanding discovery, to be deposed within a month, and to pay for all expenses and attorney's fees incurred in connection with this motion as provided by Louisiana Code of Civil Procedure Article 1469. Further, Defendants pray that Plaintiffs' claims be dismissed, if they fail to comply with the court's Order.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)

400 Poydras Street, Suite 2600

New Orleans, Louisiana 70130

Telephone: (504) 529-3333

Facsimile: (504) 529-3337

Email: sdegan@degan.com

rsmithauld@degan.com

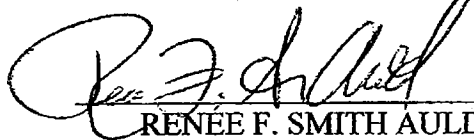
Attorneys for Defendants,

Ace American Insurance Company and

CRST Expedited, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 8th day of February, 2018.



RENÉE F. SMITH AULD

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY**

FILED: _____

RULE TO SHOW CAUSE

Considering the foregoing Motion to Compel Discovery and Depositions filed by Defendants, Ace American Insurance Company and CSRT Expedited;

IT IS ORDERED that Plaintiffs, Gilbert Dugas and Rachael Dugas, show cause on the _____ day of _____, 2018 at _____ a.m./p.m. why they should not be compelled to respond to the Interrogatories and Request for Production of Documents of Defendants, Ace American Insurance Company and CSRT Expedited, previously propounded, why they should not be compelled to be deposed with a month, and why sanctions of expenses and attorney's fees for failure to comply with said discovery requests should not be awarded.

St. Martinsville, Louisiana, this _____ day of _____, 2018.

JUDGE

PLEASE SERVE:

Gilbert Dugas and Rachel Dugas, Plaintiffs
Through counsel of record
Jerome H. Moroux
557 Jefferson Street
Lafayette, Louisiana 70502-3524

Pilot Travel Centers, LLC – Store #274, Defendant
Through its counsel of record
John Wolff, III
Keogh, Cox & Wilson, Ltd.
701 Main St.
Baton Rouge, Louisiana 70802

Please also see next page for additional service directions.

Progressive Security Insurance Company
Sean P. Rabalais
Casler, Bordelon, Lawler and Gelder
11550 Newcastle Ave., Suite 200
Baton Rouge Louisiana 70816

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY**

FILED: _____

DEPUTY CLERK

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

MAY IT PLEASE THE COURT:

The Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), file this Memorandum in Support of their Motion to Compel, as the Plaintiffs, Gilbert Dugas and Rachael Dugas have failed to respond to Defendants' First Set of Interrogatories and First Request for Production of Documents. Additionally, Plaintiffs have failed to provide Defendants with dates in which they are available to be deposed.

I. BRIEF FACTUAL AND PROCEDURAL BACKGROUND

This lawsuit arises out of an accident that occurred, on October 31, 2016, when Gilbert Dugas's vehicle was allegedly struck by a vehicle driven by Mark Strauss at a Pilot Travel Center in Breaux Bridge, Louisiana. Plaintiff, Rachael Dugas, has made a claim for loss of consortium in an Amended Petition. Plaintiff, Gilbert Dugas, filed this lawsuit on October 12, 2017.

Defendants, Ace American and CRST Expedited, filed an Answer to Plaintiffs' original Petition for Damages and First Supplemental and Amending Petition on November 27, 2017.

On December 7, 2017, Defendants propounded their First Set of Interrogatories and First Request for Production of Documents to Plaintiffs, Gilbert Dugas¹ and Rachael Dugas,² in order to better understand their alleged injuries and damages.³

On January 11, 2018, Defendants reminded Plaintiffs that their discovery responses were due and scheduled a Rule 10.1 Conference for January 16, 2018 at 3:00 p.m.⁴ On January 11, 2018, a Rule 10.1 discovery conference call was initiated by undersigned counsel, but was sent to counsel for plaintiffs' voicemail. Undersigned counsel left a voicemail message regarding the discovery, but never received a call back.

Considering south Louisiana experienced a hard freeze on January 16, 2018, counsel for Defendants forward correspondence to counsel for Plaintiffs on January 24, 2018 to schedule a second Rule 10.1 conference for January 31, 2018 at 3:00 p.m.⁵ Again, when the undersigned attempted to contact counsel for Plaintiffs on January 31, 2018, counsel for Plaintiff was unavailable for the call.

Moreover, counsel for Ace American and CSRT Expedited sent emails to counsel for Plaintiff on January 8, 2018 and January 18, 2018 asking counsel for the Gilberts for dates in which the Plaintiffs could be available to be deposed.⁶ To date, however, counsel for the Plaintiffs have not provided the undersigned with any dates in which the Gilberts can be deposed.

Out of a professional courtesy to the Plaintiffs and in the interests of judicial economy, the undersigned forwarded correspondence to counsel for Plaintiffs via U.S. mail and email and to his assistant via email on February 1, 2018 as a final attempt to remedy these issues. Defense counsel's correspondence indicated that if a representative of the Gilberts did not contact the undersigned by the close of business on February 2, 2018 to at least discuss the resolution of the Plaintiffs'

¹ See Exhibit 1, Defendants' First Set of Interrogatories to Gilbert Dugas (and accompanying correspondence) and Exhibit 2, Defendants' Request for Production of Documents to Plaintiff, Gilbert Dugas attached hereto *in globo*.

² See Exhibit 3, Defendants' First Set of Interrogatories to Rachael Dugas and Exhibit 4, Defendants' Request for Production of Documents to Plaintiff, Rachael Dugas attached hereto *in globo*.

³ On January 2, 2018, Plaintiff, Gilbert Dugas provided Defendants with responses to Requests for Admission, which were propounded on December 13, 2017. However, Plaintiffs have not responded to Defendants' Interrogatories and Requests for Production.

⁴ See Exhibit 5, Defendants correspondence of January 11, 2018 to counsel for Plaintiff scheduling a Rule 10.1 conference for January 16, 2018, attached hereto *in globo*.

⁵ See Exhibit 6, Defendants' correspondence of January 24, 2018 to counsel for Plaintiff scheduling a Rule 10.1 for January 31, 2018, attached hereto *in globo*.

⁶ See Exhibit 7, 8, and 9 Defendants' correspondence of January 8, 2018 and January 18, 2018 to counsel for Plaintiff, attached hereto *in globo*.

discovery and depositions that the Defendants would have no option but to file a Motion to Compel.⁷ As of the date of filing this Motion to Compel, Plaintiffs have not responded to Defendants' Interrogatories and Request for Production of Documents. In addition, Plaintiffs have not agreed on a date to have their deposition taken live.

II. LAW AND ARGUMENT

Louisiana Code of Civil Procedure articles 1458 and 1462 make it mandatory that responses to Interrogatories and Request for Production of Documents or objections thereto be provided within thirty (30) days. Louisiana Code of Civil Procedure article 1469 provides that the failure to respond timely subjects the non-responding party to payment of attorneys' fees and court costs associated with the filing of a Motion to Compel. In addition, article 1437 of the Louisiana Code of Civil Procedure provides that "after the commencement of the action, any party may take the testimony of any person, including a party by deposition upon oral examination."

The Code provides for sanctions as a means of encouraging the parties to comply with discovery rules.⁸ The first level of sanctions applies when the party from whom discovery is sought does not respond; if the party refuses to "play the game," immediate sanctions can be imposed.⁹ Examples of this kind of conduct include a party's failure to appear at his or her deposition after proper notice, or a failure to respond to Interrogatories or a Request for Production or inspection of documents and things. The court, on motion, may strike the claim or defense, dismiss the action or grant a judgment by default, or may impose lesser penalties such as deeming the matter at issue admitted or prohibiting the recalcitrant party from introducing evidence on the matter.¹⁰

Discovery rules require timely responses to Interrogatories, Motions to Produce or Inspect, and Requests for Admission.¹¹ Failure to timely respond to discovery demands automatically

⁷ See Exhibit 10, Defendants' correspondence of February 1, 2018 to counsel for Plaintiff, attached hereto *in globo*.

⁸ 1 La. Civ. L. Treatise, Civil Procedure § 9.12.

⁹ *Id.*

¹⁰ *Id.*

¹¹ 21 La. Civ. L. Treatise, Louisiana Lawyering § 4.2.

results in certain adverse consequences.¹² Moreover, the discovery articles of the Louisiana Code of Civil Procedure allow Plaintiffs to be deposed.¹³

Counsel for Defendants found it necessary to file this motion so the discovery process can begin. Considering at least two other co-defendants are involved in this matter, the schedules of several attorneys will have to be consulted to set the depositions of the Plaintiffs. As such, counsel for Defendants wish to obtain dates that the Plaintiffs can be deposed so that their testimony can be scheduled at the convenience of all of the parties.

Lastly, Defendants request that the court dismiss Plaintiffs' claim if they do not participate in the discovery process, as ordered by this court.

III. CONCLUSION

Defendants submit that Plaintiffs have failed to answer their discovery requests within the time delays allowed by law. Further, Plaintiffs have not responded to the Defendants' wish to take the Plaintiffs' depositions live.

Defendants need the requested information so that they develop defenses and move forward in the resolution of this matter. Undersigned counsel for Defendants submits that discovery cannot be completed because Plaintiffs have failed or refused to provide responses to discovery and to make offers to schedule the Plaintiffs' deposition testimony.

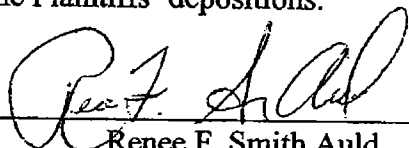
As such, Defendants, Ace American Insurance Company and CRST Expedited, Inc., respectfully request that this Honorable Court compel Plaintiffs to respond to Defendants' discovery requests, and award reasonable attorney fees and court costs associated with filing this Motion to Compel.

¹² *Id.*

¹³ Louisiana Code of Civil Procedure article 1437.

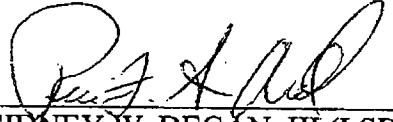
RULE 10.1 CERTIFICATE

As set forth in Exhibits to the attached Memorandum in Support of Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony, Defendants scheduled a Rule 10.1 Conferences with Counsel for Plaintiff on January 16, 2019 and, January 31, 2018 but counsel for Plaintiffs did not participate in the Rule 10.1 conference. On February 1, 2018, counsel for Defendants forwarded correspondence to counsel for Plaintiffs, to request a returned phone call by February 2, 2018 to discuss the resolution of the outstanding discovery. The correspondence informed counsel that a Motion to Compel would be filed if a conference was not conducted by February 2, 2018. To date, the Plaintiffs have not responded to the Defendants' discovery and has not made arrangements for the scheduling of the Plaintiffs' depositions.


Renee F. Smith Auld

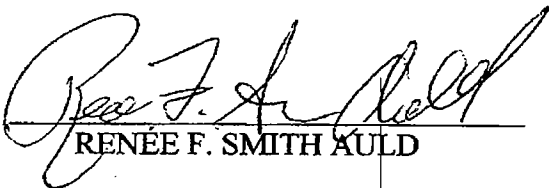
Respectfully Submitted:

DEGAN, BLANCHARD & NASH


SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
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Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com
*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 8th day of February, 2018.


RENEE F. SMITH AULD

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

December 7, 2017

Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Mr. Moroux:

Please find enclosed *Ace American Insurance Company and CRST Expedited, Inc.'s Interrogatories and Request for Production of Documents to Plaintiffs, Gilbert Dugas and Rachael Dugas* in the above referenced matter. Please respond to defendants' discovery within the applicable time delays. Pursuant to the Local Rules, we are retaining the originals in our file.

In addition, please forward to us all pleadings, notices, or discovery forwarded to you by counsel for Pilot Travel Centers.

Should you have any questions, please do not hesitate to contact our office.

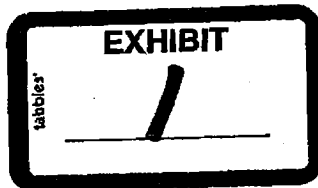
Sincerely,

DEGAN, BLANCHARD & NASH



Renee F. Smith Auld

RFSA/dpw
Enclosures



16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN
STATE OF LOUISIANA

NO. 85926 DIVISION A

GILBERT DUGAS
VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY

FILED: _____
DEPUTY CLERK

ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
FIRST SET OF INTERROGATORIES
TO PLAINTIFF, GILBERT DUGAS

TO: Gilbert Dugas
through his attorney of record,
Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

NOW INTO COURT, through undersigned counsel, come Defendants, Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), which propounds these Interrogatories to Plaintiff, Gilbert Dugas, pursuant to Article 1457, *et seq.*, of the Louisiana Civil Code of Procedure. These Interrogatories are to be answered separately and fully in writing, under oath, and such answers are to be signed by the person making them and served upon the attorneys of record for defendants within thirty (30) days of service of the Interrogatories. These Interrogatories shall be deemed continuing, so as to require supplemental answers in accordance with Article 1428 of the Louisiana Code of Civil Procedure.

DEFINITIONS

In the following Interrogatories:

"YOU" or "YOUR" shall mean Gilbert Dugas, including any and all representatives or other persons acting on your behalf.

"IDENTIFY" and "IDENTIFICATION", when used with respect to an individual, means to state his or her full name, telephone number, present or last known address, and present or last known place of employment.

"DOCUMENT" or "IDENTIFICATION", when used with reference to a document, means to state the type of document (e.g. contract, chart, lease, memorandum, telegram, etc.) or some other means of identifying its location and custodian, the date thereon, if any, and the identity of the party or parties whose name or names appear thereon, or in lieu thereof, you may attach to your answers a copy of each such document.

"ACCIDENT" and "INJURIES" refers to the alleged accident and injuries set forth by the claimant as forming the basis of this lawsuit.

INTERROGATORY NO. 1:

Please state your full name, current residence address, cell phone number, date of birth; social security number, present marital status and names and ages of all children.

INTERROGATORY NO. 2:

Please state the name, address and telephone number of anyone from whom a statement, whether written, oral, recorded or otherwise, has been obtained by you or on your behalf relating, in any way, to the accident alleged in your Petition and the date such statement was taken, the dates and places such statements were taken, who took said statements and those having custody of said statements.

INTERROGATORY NO. 3:

Please describe in detailed narrative form the incident set forth in the Petition, including how the incident occurred, where you were traveling from, where you were en route to, and the facts leading up to the incident.

INTERROGATORY NO. 4:

Please list and describe each and every injury and damage you allege to have received during or as a result of the accident or occurrence sued upon, including but not limited to those injuries and damages listed in your Petition for Damages, listing such injuries and damages, with particularity, along with indicating when each symptom was first noted and the length of time the injury and/or symptom continued.

INTERROGATORY NO. 5:

Please state whether as a result of the alleged accident or occurrence which forms the basis of your Petition, if you were disabled in any way, and, if so, please explain in

detail, the nature, extent and duration of such disability and whether you applied for disability with a governmental agency, basis for your disability application, and the status of that application. Please also respond as to whether you applied for disability as a result of another accident or injury. When were you assigned disability status?

INTERROGATORY NO. 6:

Please state the names, addresses and specialty of all doctors, counselors, therapists, mental health professionals, chiropractors, and any and all other persons who have rendered any type of health care, physical therapy, or mental health care treatment to you as a result of the injuries and complaints you claim to have received as a result of the accident or occurrence sued upon, including the dates of treatment, treatment rendered, costs of each treatment and a description of any and all surgeries performed; and, if you are not currently receiving medical services and/or treatment, please give the date you last consulted a physician for the injuries allegedly resulting from the accident or occurrence sued upon, and the name and address of each such physician.

INTERROGATORY NO. 7:

Please list all injuries and illnesses you have experienced at any time *prior to or subsequent to* the incident described in your Petition which required hospitalization or outpatient procedures, and please provide a brief synopsis of each accident and/or incident including the dates of any and all hospitalizations, accidents, injuries and illnesses; date of any inpatient or outpatient surgical procedure(s) performed; name of hospital and/or medical center where you were treated; purpose of hospitalization; whether injury or illness was aggravated by the incident described in your Petition; and, all other persons who examined you or rendered any health treatment including mental health treatment to you in connection with those accidents, injuries and/or illnesses, giving the address and specialty of such persons.

INTERROGATORY NO. 8:

Please state the name and address of each physician who treated you for any purpose for the past ten (10) years through the present.

INTERROGATORY NO. 9:

Please state the name and address of each pharmacy that has filled prescriptions for you during the past ten (10) years through the present.

INTERROGATORY NO. 10:

Please state whether you have ever made a claim for any personal injury or whether you have ever been involved in any lawsuit either prior to or subsequent to the incident which is the subject matter of this lawsuit. If so, please provide a brief narrative description of the claim, the injuries received, the disposition of the claim, and the name and address of any attorney(s) representing you, the court to which it was lodged and the docket number to which it was assigned.

INTERROGATORY NO. 11:

For every individual contacted and/or retained whom Plaintiff anticipates may be called as an expert witness in the trial of this matter: (a) state the expert's full name and current or last known address and telephone number; (b) specify the expert's area of expertise and qualifications; (c) identity the subject matter on which the witness will testify; (d) set forth the conclusions and opinions of the witness and the basis therefore; and (e) identify all reports rendered by the expert.

INTERROGATORY NO. 12:

Please identify each and every exhibit, demonstrative aid or other document that you intend to introduce as evidence or show to the jury or other finder of fact at trial of this matter.

INTERROGATORY NO. 13:

List each item of damages which you claim, itemizing all charges, expenses and losses, including income and property damage, paid or incurred by you, stating to whom paid or owed, and attach to your response copies of all bills or estimates relating thereto. As to each item of damage which you claim, state its dollar value, how it is calculated, and the date it was incurred or is expected to be incurred, including but not limited to, doctors' bills, x-rays, hospital expenses, nursing expenses, medical expenses, surgical apparatus, and/or diagnostic tests.

INTERROGATORY NO. 14:

Please identify all passengers in your vehicle at the time of the accident, if any, their current residence address, telephone number, length of time known, and reason for their presence in your vehicle on October 31, 2016.

INTERROGATORY NO. 15:

Please state the name and address of all employers by whom you were employed at the time of the incident and for five years preceding this incident, as well as stating for whom you have worked since the incident, specifying the nature of your employment with each, the dates of your employment and the reason for your separation, if applicable, from each employer.

INTERROGATORY NO. 16:

If you are claiming loss of past, present and/or future earnings from employment as a result of this accident, please state the total amount of such loss and method of computation, the date(s) you were absent from your employment and the date you first returned to work after the accident. If you missed any days of work as a result of the accident at issue, please list the names and addresses of your Human Resources Directors and your immediate supervisory at your place of employment.

INTERROGATORY NO. 17:

If you are claiming loss of future earning capacity as a result of this accident, please state a detailed basis for your claim of loss of future earning capacity, total amount of such loss and method of computation.

INTERROGATORY NO. 18:

Please list and identify all prior auto accidents in which you have been involved in through the present and describe each accident, the location of the accident, the approximate month and year of each accident and whether you were cited by the investigating police officer for each accident. Did you file a suit as a result of the accident? If so, who was your attorney?

INTERROGATORY NO. 19:

Please describe all serious permanent injuries that you allege you suffered from the automobile accident on October 31, 2016 as set forth in your Petition for Damages.

INTERROGATORY NO. 20:

Please describe the basis for your contentions in paragraph 3 of the Petition that Mark Strauss was negligent and caused an accident.

INTERROGATORY NO. 21:

Please indicate whether you, your representatives, attorneys, etc., are in possession of any photographs, maps, plans, drawings, etc., of the location of the alleged accident and/or surrounding areas, the alleged injuries sustained by plaintiff or of any other matters or things involved in the alleged accident.

INTERROGATORY NO. 22:

Please describe the nature and severity of all of the injuries you have listed in paragraph 5 of your Petition. Please also list the physicians you have seen for each injury.

INTERROGATORY NO. 23:

Please describe the loss of enjoyment of life alleged in paragraph 5 of your Petition, including all activities you are unable to perform because of this alleged incident.

INTERROGATORY NO. 24:

Please describe the basis for your contention 5 in paragraph II of your Petition that you have incurred medical expenses, past and future loss of earnings and loss of earning capacity

INTERROGATORY NO. 25:

Have you ever been a plaintiff or defendant in any other criminal or civil suit?

INTERROGATORY NO. 26:

What actions, if any, did you take to try to avoid the accident at issue?

INTERROGATORY NO. 27:

State the amount reported as earned income in your income tax returns for each of the past five years preceding the occurrence, and for any full year subsequent to the occurrence, and the District in which the returns were filed, and attach copies of your returns to these answers.

INTERROGATORY NO. 28:

If you used or consumed by any means any alcoholic beverages, sedatives, tranquilizers, illegal drugs or prescribed medications within 72 hours preceding this accident, identify the nature and amount of each, and state when and where obtained and consumed.

INTERROGATORY NO. 29:

List all fact and expert witnesses to this matter, regardless of whether or you plan to call them at trial and describe in detail the topic areas and substance of their testimony.

INTERROGATORY NO. 30:

State what part of the vehicle in which you were situated was damaged and, if it was estimated or repaired, the name and address of the person who performed such estimate or repairs, the dates of such work and the cost thereof. If such vehicle is unrepaired, state the address and the hour at which it may be seen.

INTERROGATORY NO. 31:

Please list and describe all insurance policies of any nature or kind, which provide or may provide insurance coverage for the accident or events described in the original Petition for Damages of plaintiff.

INTERROGATORY NO. 32:

Please list any activities and hobbies (such as running, jogging, gardening, jogging, exercising fishing, bowling, hunting, softball, weight lifting, etc.) that you can no longer participate in as a result of the accident at issue. Please also list the extent that your participation is limited. (Hence, please list all activities, even if you have been only slightly hampered from participating in such activities as a result of the accident at issue.)

Please also list the names and addresses of persons who have participated in such activities and hobbies with you both before and after the accident at issue.

INTERROGATORY NO. 33:

Please state whether you were inside or outside of your car when your vehicle was struck. Please describe which part of Mark Strauss's came into contact with your vehicle.

These Interrogatories shall be deemed continuing so as to require supplemental answers if you or your attorneys obtain further information between the time answers are served and the time of trial.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH




SIDNEY W. DEGAN, III (LSBA #4804)
RENEE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
E-mail: sdegan@degan.com
rsmith@degan.com

Attorneys for Defendants, ACE American Insurance Company, and CRST Expedited, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties of record via either facsimile transmission or by placing same in the United States Mail, properly addressed and postage pre-paid on this 7th day of December, 2017.



RENEE F. SMITH AULD

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY

FILED: _____
DEPUTY CLERK

ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF,
GILBERT DUGAS

TO: **Gilbert Dugas**
through his attorney of record,
Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

NOW INTO COURT, through undersigned counsel, comes Defendant, Fort Worth Carrier Corporation, and pursuant to Articles 1461 and 1462 of the Louisiana Code of Civil Procedure propounds the following Requests for Production of Documents to Plaintiff, Gilbert Dugas, requiring a response within the time delays allowed by law.

These Requests for Production of Documents are continuing in nature. It is requested that all documents and things requested herein be produced at the Law Offices of Degan, Blanchard & Nash, 400 Poydras Street, Suite 2600, New Orleans, Louisiana 70130.

DEFINITIONS

The following definitions shall apply throughout this set of Requests for Production of Documents and shall be adopted by you in responding thereto:

- A. "Person" shall mean any natural person, partnership, firm association, corporation, or other business or governmental or legal entity.
- B. "You" or "yours" means **Gilbert Davis** and your representatives and shall further embrace and include your attorneys, agents, servants,



representatives, private investigators, and others, who are in a position or may have obtained information for or on behalf of you or who are acting or purporting to act on their behalf.

- C. "Documents" shall mean the original (or copy if the original is not available) and each non-identical copy (whether non-identical because of alterations, attachments, blanks, comments, notes, underlying or otherwise) or any writing or record, however described, whether account, agreement, amendment, article, authorization, bank advise or similar notice transfer, bank statement, bill, bill of lading, blueprint, book, charge, chart, check, contract, correspondence, deposit slip, diary, drawing, entry, estimate, or cost-to-complete estimate, film, financial statement, graph, instruction, internal document, invoice, journal, ledger or subsidiary ledger, letter, memorandum, minutes, notes, notebook, plan, photocopy, photograph, projection, publication, purchase order, record, recording, report, schedule, scrapbook, sketch, specification, speech, tape, telegram, telex, transcript, voucher, or any other written, typed, or recorded material of any other nature whatsoever and all retrievable data (whether encarded, taped or coded electrostatically, electromagnetically or otherwise) in your possession, custody or control, or known to you, wherever the document is located, however produced or reproduced, whether draft or final version.
- D. "Pertains" shall mean concerns, relates to, or is connected with the subject incident in any manner.
- E. "Identify" when used in reference to:
- (1) a natural person, shall mean to state the person's full name and last known address and telephone number.
 - (2) a business or governmental entity not a natural person, shall mean to state the entity's full name, principal activities, state of legal creation, address and telephone number of its principal place of business.
 - (3) a document, shall mean to state the document's description (e.g., letter, memorandum, report, etc.), title, date, author, and present location.
 - (4) communication or statement, shall mean to state the date of occurrence, place of occurrence substance, each person by whom the communication was made, and each person who was present when the communication was made.
- F. "Address" shall mean the street number, street, post office box, city and state of subject person, business or other entity.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please provide any and all medical records and reports from any healthcare provider, including but not limited to hospital records, doctor, chiropractor, physical therapy, psychological and counseling records, reports, notes, charts and bills pertaining

to your alleged injuries and/or treatment or examination of the injuries alleged by you as a result of the incident described in your Petition.

REQUEST FOR PRODUCTION NO. 2:

Please produce any and all medical and pharmaceutical bills paid or incurred by you in connection with the incident which forms the basis of this lawsuit, including but not limited to, doctors' bills, x-rays, hospital expenses, nursing expenses, medical expenses, surgical apparatus, and/or diagnostic tests.

REQUEST FOR PRODUCTION NO. 3:

Please produce each exhibit, demonstrative aid, document or other object or video which you intend to introduce as an exhibit or show to the jury or other finder of fact during the trial of this matter or in support of your claim.

REQUEST FOR PRODUCTION NO. 4:

Please provide any and all statements, whether recorded, oral, written, transcribed, or of any other nature, which are in the possession of you or your attorneys, that bear any relation to the alleged injury.

REQUEST FOR PRODUCTION NO. 5:

Please produce copies of any and all incident, accident and/or police reports in any way relating to the alleged injury which is the subject matter of this litigation.

REQUEST FOR PRODUCTION NO. 6:

Please produce copies of any and all reports, records and documentation from expert witnesses which you intend to call during discovery or at trial that you have consulted with relating to the subject matter of this litigation.

REQUEST FOR PRODUCTION NO. 7:

Please produce any and all photographs, videos, DVD's and/or digital facsimiles taken of any party, location and/or object as a result of the circumstances leading up to the accident or resulting in the alleged injuries of the plaintiff and/or which are relevant to the accident or occurrence sued upon.

REQUEST FOR PRODUCTION NO. 8:

Please produce any and all investigative data of whatsoever nature pertaining to the accident and alleged injury which is the subject matter of this litigation.

REQUEST FOR PRODUCTION NO. 9:

Please produce copies of any and all documents, including but not limited to invoices and receipts, which relate to your claim in the Petition for Damages that you have incurred rental expenses as a result of the accident or occurrence sued upon.

REQUEST FOR PRODUCTION NO. 10:

Please produce copies of any and all documents, including invoices, receipts and/or appraisals, which relate to your claim in the Petition for Damages that you incurred property damages as a result of the accident or occurrence sued upon.

REQUEST FOR PRODUCTION NO. 11:

Please produce copies of any and all photographs, maps, plans, drawings, or any other document which shows the location of the alleged accident and/or surrounding areas, the alleged injuries sustained by plaintiff or of any other matters or things involved in the alleged accident.

REQUEST FOR PRODUCTION NO. 12:

Please produce copies of any and all documents which relate to your contention in your Petition that you suffered painful and serious injuries.

REQUEST FOR PRODUCTION NO. 13:

Please produce copies of any and all documents which relate to your allegations in paragraph 3 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 14:

Please produce copies of any and all documents which relate to your allegations in paragraph 4 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 15:

Please produce copies of any and all documents which relate to your allegations in paragraph 4 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 16:

Please produce copies of any and all documents which relate to your allegations in paragraph 6 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 17:

Please produce a certified copy of the policy(s) booklet(s) and applicable declaration sheet(s) for your personal liability policy, uninsured/underinsured motorist policy, and/or any and all policies identified by you in response to Interrogatory No. 31.

REQUEST FOR PRODUCTION NO. 18:

Please execute the attached HIPPA/Medical Authorization form, Authorization to Disclose Protected Health Information Pursuant to 45 CFR 164.508, and Authorization to Disclose Protected Psychiatric, Psychotherapy, Counseling, Psychology and/or Health Information Pursuant to 45 CFR 164.508.

REQUEST FOR PRODUCTION NO. 19:

Please execute the attached Form 4506 Request for Copy of Tax Return.

REQUEST FOR PRODUCTION NO. 20:

Please execute the attached Authorization for Release of Employment Information and Records.

REQUEST FOR PRODUCTION NO. 21:

Please execute the attached request for Social Security Administration Consent for Release of Information (Form Approved OMB NO. 0960-0566) and Social Security Administration Release for Social Security Earnings Information (OMB No. 0960-0525).

REQUEST FOR PRODUCTION NO. 22:

Please execute the attached Louisiana Department of Health Authorization to Release or Obtain Health Information.

REQUEST FOR PRODUCTION NO. 23:

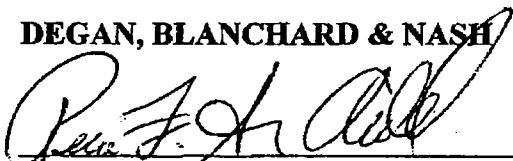
Please attach correspondence or any documentation indicating that you receive social security disability benefits.

REQUEST FOR PRODUCTION NO. 24:

Please produce a copy of each and every writing, document or other physical evidence referred to, described or identified in your answers or responses to any of the Interrogatories, contemporaneously propounded to you with these Requests for Production of Documents, which has not been produced in response to a Request for Production above.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH

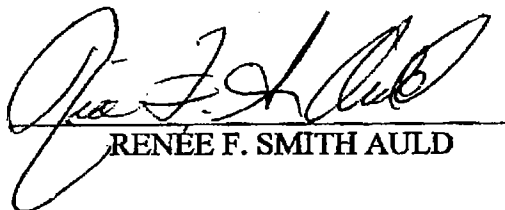


SIDNEY W. DEGAN, III (LSBA #4804)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
E-mail: sdegan@degan.com
rsmith@degan.com

Attorneys for Defendants, ACE American Insurance Company, and CRST Expedited, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties of record via either facsimile transmission or by placing same in the United States Mail, properly addressed and postage pre-paid on this 7th day of December, 2017.



RENÉE F. SMITH AULD

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY

FILED: _____
DEPUTY CLERK

ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
FIRST SET OF INTERROGATORIES
TO PLAINTIFF, RACHAEL DUGAS

TO: Rachael Dugas
through her attorney of record,
Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), pursuant to Article 1457, *et seq.*, of the Louisiana Civil Code of Procedure. These Interrogatories are to be answered separately and fully in writing, under oath, and such answers are to be signed by the person making them and served upon the attorneys of record for defendant within thirty (30) days of service of the Interrogatories. These Interrogatories shall be deemed continuing, so as to require supplemental answers in accordance with Article 1428 of the Louisiana Code of Civil Procedure.

DEFINITIONS:

In the following Interrogatories:

"YOU" or "YOUR" shall mean RACHAEL DUGAS including any and all representatives or other persons acting on your behalf.

"IDENTIFY" and "IDENTIFICATION", when used with respect to an individual, means to state his or her full name, telephone number, present or last known address, and



Transmission Report

Date/Time02-08-201810:23:50 a.m.

Local ID13373942240

Transmit Header TextLocal Name1

St Martin Parish Clerk of CourtReceived SMP COC


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Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085916

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Fax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 2.8.18

DESCRIPTION OF TRANSMISSION: motion to compel

FILED ON BEHALF OF: Ace American Ins

PERSON SIGNING PLEADING: R. Auld

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

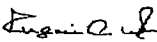
The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$3.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading. PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BT: 

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 2.8.18

Amount due: \$140.00

FILE 1

otal Pages Scanned : 1			Total Pages Confirmed : 1						
No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
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Abbreviations:

S: Host send

R: Host receive

VS: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

RP: Report

FF: Fax Forward

CP: Completed

FA: Fail

TU: Terminated by user

TS: Terminated by system

G3: Group 3

EC: Error Correct

ST. MARTIN PARISH CLERK OF COURT

DEGAN, BLANCHARD & NASH

Suite 2600, Texaco Center
400 Poydras Street
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337

FACSIMILE COVERSHEET

TO: Clerk of Court 16 th Judicial District Court Parish of St. Martin	FAX NO.: (337) 394-2240
DATE: February 8, 2018	FROM: Denise Wade
REFERENCE: 353-10961	PAGES (Including Cover Sheet)

FACSIMILE MESSAGE:

Please file the attached for fax filing.

* Please note that there is one service for Lafayette Parish and
2 services in East Baton Rouge Parish. *

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for a return of the documents.

If there is any problem receiving this message, please call (504) 529-3333. Facsimile sent by Denise Wade.

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

February 8, 2017

VIA FACSIMILE (337) 394-2240

The Honorable Becky P. Patin
Clerk of Court
414 St. Martin Street
P. O. Box 308
St. Martinville, Louisiana 70582

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

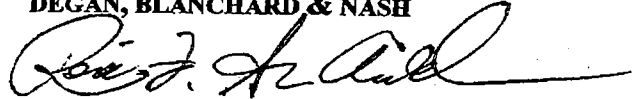
Dear Clerk Patin:

Please find attached for fax filing *Defendants' Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony and Defendants' Memorandum in Support of Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony* in connection with the above referenced matter. After filing each into the record, please forward to us via fax the amount due for filing fees. We will forward the originals and all fees to you within the next seven days, pursuant to L.S.A.-R.S. 13:850.

Thank you for your assistance with this request. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw

Attachments

cc: Jerome H. Moroux (Via US Mail)
John Wolff, III (Via US Mail and email jwolff@keoghcox.com)
Sean P. Rabalais (Via US Mail and email Sean_P_Rabalais@progressive.com)

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY**

FILED: _____

DEPUTY CLERK

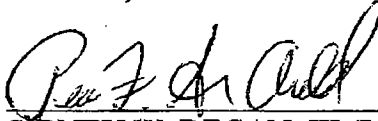
**DEFENDANTS' MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), which move this Honorable Court for an Order requiring Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond to Interrogatories and Requests for Production of Documents propounded upon them on December 7, 2018 in accordance with the Louisiana Code of Civil Procedure. The time allowed to respond to the discovery has lapsed, but the Plaintiffs have failed to respond. Moreover, Defendants move this Honorable Court for an Order compelling Plaintiffs to be deposed within a month of the hearing on this matter.

WHEREFORE, Defendants, Ace American Insurance Company and CSRT Expedited, Inc, pray for an Order compelling Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond fully, completely and without objection to all outstanding discovery, to be deposed within a month, and to pay for all expenses and attorney's fees incurred in connection with this motion as provided by Louisiana Code of Civil Procedure Article 1469. Further, Defendants pray that Plaintiffs' claims be dismissed, if they fail to comply with the court's Order.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH

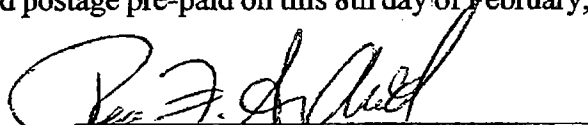


SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com

*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 8th day of February, 2018.


RENÉE F. SMITH AULD

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY**

FILED: _____

RULE TO SHOW CAUSE

Considering the foregoing Motion to Compel Discovery and Depositions filed by Defendants, Ace American Insurance Company and CSRT Expedited;

IT IS ORDERED that Plaintiffs, Gilbert Dugas and Rachael Dugas, show cause on the _____ day of _____, 2018 at _____ a.m./p.m. why they should not be compelled to respond to the Interrogatories and Request for Production of Documents of Defendants, Ace American Insurance Company and CSRT Expedited, previously propounded, why they should not be compelled to be deposed with a month, and why sanctions of expenses and attorney's fees for failure to comply with said discovery requests should not be awarded.

St. Martinsville, Louisiana, this _____ day of _____, 2018.

JUDGE

PLEASE SERVE:

Gilbert Dugas and Rachel Dugas, Plaintiffs
Through counsel of record
Jerome H. Moroux
557 Jefferson Street
Lafayette, Louisiana 70502-3524

Pilot Travel Centers, LLC – Store #274, Defendant
Through its counsel of record
John Wolff, III
Keogh, Cox & Wilson, Ltd.
701 Main St.
Baton Rouge, Louisiana 70802

Please also see next page for additional service directions.

02/08/2018 10:03 FAX 50452933

Progressive Security Insurance Company
Sean P. Rabalais
Casler, Bordelon, Lawler and Gelder
11550 Newcastle Ave., Suite 200
Baton Rouge Louisiana 70816

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY**

FILED: _____

DEPUTY CLERK

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

MAY IT PLEASE THE COURT:

The Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), file this Memorandum in Support of their Motion to Compel, as the Plaintiffs, Gilbert Dugas and Rachael Dugas have failed to respond to Defendants' First Set of Interrogatories and First Request for Production of Documents. Additionally, Plaintiffs have failed to provide Defendants with dates in which they are available to be deposed.

I. BRIEF FACTUAL AND PROCEDURAL BACKGROUND

This lawsuit arises out of an accident that occurred, on October 31, 2016, when Gilbert Dugas's vehicle was allegedly struck by a vehicle driven by Mark Strauss at a Pilot Travel Center in Breaux Bridge, Louisiana. Plaintiff, Rachael Dugas, has made a claim for loss of consortium in an Amended Petition. Plaintiff, Gilbert Dugas, filed this lawsuit on October 12, 2017.

Defendants, Ace American and CRST Expedited, filed an Answer to Plaintiffs' original Petition for Damages and First Supplemental and Amending Petition on November 27, 2017.

On December 7, 2017, Defendants propounded their First Set of Interrogatories and First Request for Production of Documents to Plaintiffs, Gilbert Dugas¹ and Rachael Dugas,² in order to better understand their alleged injuries and damages.³

On January 11, 2018, Defendants reminded Plaintiffs that their discovery responses were due and scheduled a Rule 10.1 Conference for January 16, 2018 at 3:00 p.m.⁴ On January 11, 2018, a Rule 10.1 discovery conference call was initiated by undersigned counsel, but was sent to counsel for plaintiffs' voicemail. Undersigned counsel left a voicemail message regarding the discovery, but never received a call back.

Considering south Louisiana experienced a hard freeze on January 16, 2018, counsel for Defendants forward correspondence to counsel for Plaintiffs on January 24, 2018 to schedule a second Rule 10.1 conference for January 31, 2018 at 3:00 p.m.⁵ Again, when the undersigned attempted to contact counsel for Plaintiffs on January 31, 2018, counsel for Plaintiff was unavailable for the call.

Moreover, counsel for Ace American and CSRT Expedited sent emails to counsel for Plaintiff on January 8, 2018 and January 18, 2018 asking counsel for the Gilberts for dates in which the Plaintiffs could be available to be deposed.⁶ To date, however, counsel for the Plaintiffs have not provided the undersigned with any dates in which the Gilberts can be deposed.

Out of a professional courtesy to the Plaintiffs and in the interests of judicial economy, the undersigned forwarded correspondence to counsel for Plaintiffs via U.S. mail and email and to his assistant via email on February 1, 2018 as a final attempt to remedy these issues. Defense counsel's correspondence indicated that if a representative of the Gilberts did not contact the undersigned by the close of business on February 2, 2018 to at least discuss the resolution of the Plaintiffs'

¹ See Exhibit 1, Defendants' First Set of Interrogatories to Gilbert Dugas (and accompanying correspondence) and Exhibit 2, Defendants' Request for Production of Documents to Plaintiff, Gilbert Dugas attached hereto *in globo*.

² See Exhibit 3, Defendants' First Set of Interrogatories to Rachael Dugas and Exhibit 4, Defendants' Request for Production of Documents to Plaintiff, Rachael Dugas attached hereto *in globo*.

³ On January 2, 2018, Plaintiff, Gilbert Dugas provided Defendants with responses to Requests for Admission, which were propounded on December 13, 2017. However, Plaintiffs have not responded to Defendants' Interrogatories and Requests for Production.

⁴ See Exhibit 5, Defendants correspondence of January 11, 2018 to counsel for Plaintiff scheduling a Rule 10.1 conference for January 16, 2018, attached hereto *in globo*.

⁵ See Exhibit 6, Defendants' correspondence of January 24, 2018 to counsel for Plaintiff scheduling a Rule 10.1 for January 31, 2018, attached hereto *in globo*.

⁶ See Exhibit 7, 8, and 9 Defendants' correspondence of January 8, 2018 and January 18, 2018 to counsel for Plaintiff, attached hereto *in globo*.

discovery and depositions that the Defendants would have no option but to file a Motion to Compel.⁷ As of the date of filing this Motion to Compel, Plaintiffs have not responded to Defendants' Interrogatories and Request for Production of Documents. In addition, Plaintiffs have not agreed on a date to have their deposition taken live.

II. LAW AND ARGUMENT

Louisiana Code of Civil Procedure articles 1458 and 1462 make it mandatory that responses to Interrogatories and Request for Production of Documents or objections thereto be provided within thirty (30) days. Louisiana Code of Civil Procedure article 1469 provides that the failure to respond timely subjects the non-responding party to payment of attorneys' fees and court costs associated with the filing of a Motion to Compel. In addition, article 1437 of the Louisiana Code of Civil Procedure provides that "after the commencement of the action, any party may take the testimony of any person, including a party by deposition upon oral examination."

The Code provides for sanctions as a means of encouraging the parties to comply with discovery rules.⁸ The first level of sanctions applies when the party from whom discovery is sought does not respond; if the party refuses to "play the game," immediate sanctions can be imposed.⁹ Examples of this kind of conduct include a party's failure to appear at his or her deposition after proper notice, or a failure to respond to Interrogatories or a Request for Production or inspection of documents and things. The court, on motion, may strike the claim or defense, dismiss the action or grant a judgment by default, or may impose lesser penalties such as deeming the matter at issue admitted or prohibiting the recalcitrant party from introducing evidence on the matter.¹⁰

Discovery rules require timely responses to Interrogatories, Motions to Produce or Inspect, and Requests for Admission.¹¹ Failure to timely respond to discovery demands automatically

⁷ See Exhibit 10, Defendants' correspondence of February 1, 2018 to counsel for Plaintiff, attached hereto *in globo*.

⁸ 1 La. Civ. L. Treatise, Civil Procedure § 9.12.

⁹ *Id.*

¹⁰ *Id.*

¹¹ 21 La. Civ. L. Treatise, Louisiana Lawyering § 4.2.

results in certain adverse consequences.¹² Moreover, the discovery articles of the Louisiana Code of Civil Procedure allow Plaintiffs to be deposed.¹³

Counsel for Defendants found it necessary to file this motion so the discovery process can begin. Considering at least two other co-defendants are involved in this matter, the schedules of several attorneys will have to be consulted to set the depositions of the Plaintiffs. As such, counsel for Defendants wish to obtain dates that the Plaintiffs can be deposed so that their testimony can be scheduled at the convenience of all of the parties.

Lastly, Defendants request that the court dismiss Plaintiffs' claim if they do not participate in the discovery process, as ordered by this court.

III. CONCLUSION

Defendants submit that Plaintiffs have failed to answer their discovery requests within the time delays allowed by law. Further, Plaintiffs have not responded to the Defendants' wish to take the Plaintiffs' depositions live.

Defendants need the requested information so that they develop defenses and move forward in the resolution of this matter. Undersigned counsel for Defendants submits that discovery cannot be completed because Plaintiffs have failed or refused to provide responses to discovery and to make offers to schedule the Plaintiffs' deposition testimony.

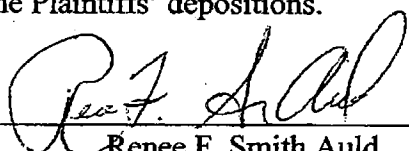
As such, Defendants, Ace American Insurance Company and CRST Expedited, Inc., respectfully request that this Honorable Court compel Plaintiffs to respond to Defendants' discovery requests, and award reasonable attorney fees and court costs associated with filing this Motion to Compel.

¹² *Id.*

¹³ Louisiana Code of Civil Procedure article 1437.

RULE 10.1 CERTIFICATE

As set forth in Exhibits to the attached Memorandum in Support of Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony, Defendants scheduled a Rule 10.1 Conferences with Counsel for Plaintiff on January 16, 2019 and, January 31, 2018 but counsel for Plaintiffs did not participate in the Rule 10.1 conference. On February 1, 2018, counsel for Defendants forwarded correspondence to counsel for Plaintiffs, to request a returned phone call by February 2, 2018 to discuss the resolution of the outstanding discovery. The correspondence informed counsel that a Motion to Compel would be filed if a conference was not conducted by February 2, 2018. To date, the Plaintiffs have not responded to the Defendants' discovery and has not made arrangements for the scheduling of the Plaintiffs' depositions.


Renee F. Smith Auld


Respectfully Submitted:

DEGAN, BLANCHARD & NASH


SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com
*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 8th day of February, 2018.


RENÉE F. SMITH AULD

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

December 7, 2017

Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Mr. Moroux:

Please find enclosed *Ace American Insurance Company and CRST Expedited, Inc.'s Interrogatories and Request for Production of Documents to Plaintiffs, Gilbert Dugas and Rachael Dugas* in the above referenced matter. Please respond to defendants' discovery within the applicable time delays. Pursuant to the Local Rules, we are retaining the originals in our file.

In addition, please forward to us all pleadings, notices, or discovery forwarded to you by counsel for Pilot Travel Centers.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw
Enclosures



{00252382.DOC;1}

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 2.8.18

DESCRIPTION OF TRANSMISSION: motion to compel

FILED ON BEHALF OF: Ace American Ins

PERSON SIGNING PLEADING: R. Auld

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: *R. Auld*

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 2.8.18

Amount due: \$140.00

[FILE]

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 2.8.18

DESCRIPTION OF TRANSMISSION: motion to compel w/3 services

FILED ON BEHALF OF: Ace American Ins

PERSON SIGNING PLEADING: R. Auld

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: _____

A handwritten signature in dark ink, appearing to read "Eugene A. Auld", is written over a horizontal line.

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 2.8.18

Amount due: \$560.00 ***this is updated from last fax, not all pages received. don't send in the \$140.00

[FILE]

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St Martin Parish Clerk of CourtReceived SMP COC


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(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 065926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 736901272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 2.8.18

DESCRIPTION OF TRANSMISSION: motion to compel w/3 services

FILED ON BEHALF OF: Ace American Ins

PERSON SIGNING PLEADING: R. Audi

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$3.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

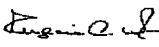
The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BT:



Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 2.8.18

Amount due: \$560.00 ***this is updated from last fax, not all pages received, don't send in the \$140.00

[FILE]

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abbreviations:

IS: Host sendPL: Polled localMP: Mailbox printCP: CompletedTS: Terminated by system

IR: Host receivePR: Polled remoteRP: ReportFA: FailG3: Group 3

VS: Waiting sendMS: Mailbox saveFF: Fax ForwardTU: Terminated by userEC: Error Correct

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

February 9, 2017

The Honorable Becky P. Patin
Clerk of Court
414 St. Martin Street
P. O. Box 308
St. Martinville, Louisiana 70582

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Clerk Patin:

Please find enclosed the original and five copies of *Defendants' Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony and Defendants' Memorandum in Support of Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony* which we previously fax-filed in connection with the above referenced matter. Once the original pleading has been filed, please return a conformed copy to me using the enclosed self-addressed, stamped envelope. Also enclosed are the Court's fax confirmation page and our firm check in the amount of \$560.00 in satisfaction of the Court's fax and filing fees.

Thank you for your assistance, and please do not hesitate to contact my office should you have any questions regarding this filing.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw
Enclosures

RECEIVED AND FILED

2018 FEB 12 AM 9:46



DEPUTY CLERK OF COURT
ST. MARTIN PARISH

{00268946.DOC;1}

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY**

FILED: _____

DEPUTY CLERK

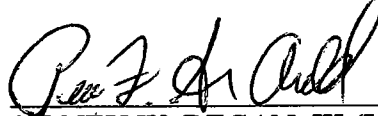
**DEFENDANTS' MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), which move this Honorable Court for an Order requiring Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond to Interrogatories and Requests for Production of Documents propounded upon them on December 7, 2018 in accordance with the Louisiana Code of Civil Procedure. The time allowed to respond to the discovery has lapsed, but the Plaintiffs have failed to respond. Moreover, Defendants move this Honorable Court for an Order compelling Plaintiffs to be deposed within a month of the hearing on this matter.

WHEREFORE, Defendants, Ace American Insurance Company and CSRT Expedited, Inc, pray for an Order compelling Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond fully, completely and without objection to all outstanding discovery, to be deposed within a month, and to pay for all expenses and attorney's fees incurred in connection with this motion as provided by Louisiana Code of Civil Procedure Article 1469. Further, Defendants pray that Plaintiffs' claims be dismissed, if they fail to comply with the court's Order.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com

*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

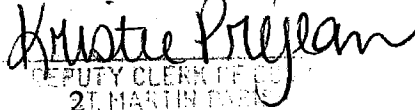
CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 8th day of February, 2018.


RENÉE F. SMITH AULD

RECEIVED AND FILED

2018 FEB 12 AM 9:46


DEPUTY CLERK OF COURT
21. MARTIN LUTHER KING, JR.

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY

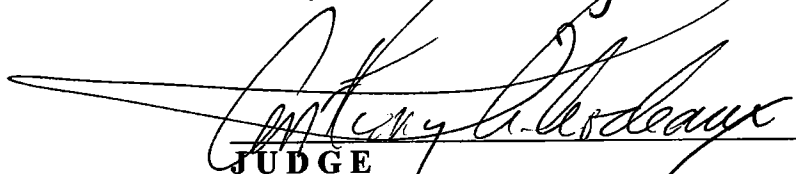
FILED: _____

RULE TO SHOW CAUSE

Considering the foregoing Motion to Compel Discovery and Depositions filed by Defendants, Ace American Insurance Company and CSRT Expedited;

IT IS ORDERED that Plaintiffs, Gilbert Dugas and Rachael Dugas, show cause on the 27th day of March, 2018 at 10:00 (a.m.) ^{as a 13th filing} p.m. why they should not be compelled to respond to the Interrogatories and Request for Production of Documents of Defendants, Ace American Insurance Company and CSRT Expedited, previously propounded, why they should not be compelled to be deposed with a month, and why sanctions of expenses and attorney's fees for failure to comply with said discovery requests should not be awarded.

St. Martinsville, Louisiana, this 14th day of February, 2018.


JUDGE
Anthony Thibodeaux

PLEASE SERVE:


Gilbert Dugas and Rachel Dugas, Plaintiffs
Through counsel of record
Jerome H. Moroux
557 Jefferson Street
Lafayette, Louisiana 70502-3524

Pilot Travel Centers, LLC – Store #274, Defendant
Through its counsel of record
John Wolff, III
Keogh, Cox & Wilson, Ltd.
701 Main St.
Baton Rouge, Louisiana 70802

Please also see next page for additional service directions.

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DEPUTY CLERK OF COURT
ST. MARTIN PARISH

Progressive Security Insurance Company
Sean P. Rabalais
Casler, Bordelon, Lawler and Gelder
11550 Newcastle Ave., Suite 200
Baton Rouge Louisiana 70816

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY**

FILED: _____

DEPUTY CLERK

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

MAY IT PLEASE THE COURT:

The Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), file this Memorandum in Support of their Motion to Compel, as the Plaintiffs, Gilbert Dugas and Rachael Dugas have failed to respond to Defendants' First Set of Interrogatories and First Request for Production of Documents. Additionally, Plaintiffs have failed to provide Defendants with dates in which they are available to be deposed.

I. BRIEF FACTUAL AND PROCEDURAL BACKGROUND

This lawsuit arises out of an accident that occurred, on October 31, 2016, when Gilbert Dugas's vehicle was allegedly struck by a vehicle driven by Mark Strauss at a Pilot Travel Center in Breaux Bridge, Louisiana. Plaintiff, Rachael Dugas, has made a claim for loss of consortium in an Amended Petition. Plaintiff, Gilbert Dugas, filed this lawsuit on October 12, 2017.

Defendants, Ace American and CRST Expedited, filed an Answer to Plaintiffs' original Petition for Damages and First Supplemental and Amending Petition on November 27, 2017.

On December 7, 2017, Defendants propounded their First Set of Interrogatories and First Request for Production of Documents to Plaintiffs, Gilbert Dugas¹ and Rachael Dugas,² in order to better understand their alleged injuries and damages.³

On January 11, 2018, Defendants reminded Plaintiffs that their discovery responses were due and scheduled a Rule 10.1 Conference for January 16, 2018 at 3:00 p.m.⁴ On January 11, 2018, a Rule 10.1 discovery conference call was initiated by undersigned counsel, but was sent to counsel for plaintiffs' voicemail. Undersigned counsel left a voicemail message regarding the discovery, but never received a call back.

Considering south Louisiana experienced a hard freeze on January 16, 2018, counsel for Defendants forward correspondence to counsel for Plaintiffs on January 24, 2018 to schedule a second Rule 10.1 conference for January 31, 2018 at 3:00 p.m.⁵ Again, when the undersigned attempted to contact counsel for Plaintiffs on January 31, 2018, counsel for Plaintiff was unavailable for the call.

Moreover, counsel for Ace American and CSRT Expedited sent emails to counsel for Plaintiff on January 8, 2018 and January 18, 2018 asking counsel for the Gilberts for dates in which the Plaintiffs could be available to be deposed.⁶ To date, however, counsel for the Plaintiffs have not provided the undersigned with any dates in which the Gilberts can be deposed.

Out of a professional courtesy to the Plaintiffs and in the interests of judicial economy, the undersigned forwarded correspondence to counsel for Plaintiffs via U.S. mail and email and to his assistant via email on February 1, 2018 as a final attempt to remedy these issues. Defense counsel's correspondence indicated that if a representative of the Gilberts did not contact the undersigned by the close of business on February 2, 2018 to at least discuss the resolution of the Plaintiffs'

¹ See Exhibit 1, Defendants' First Set of Interrogatories to Gilbert Dugas (and accompanying correspondence) and Exhibit 2, Defendants' Request for Production of Documents to Plaintiff, Gilbert Dugas attached hereto *in globo*.

² See Exhibit 3, Defendants' First Set of Interrogatories to Rachael Dugas and Exhibit 4, Defendants' Request for Production of Documents to Plaintiff, Rachael Dugas attached hereto *in globo*.

³ On January 2, 2018, Plaintiff, Gilbert Dugas provided Defendants with responses to Requests for Admission, which were propounded on December 13, 2017. However, Plaintiffs have not responded to Defendants' Interrogatories and Requests for Production.

⁴ See Exhibit 5, Defendants correspondence of January 11, 2018 to counsel for Plaintiff scheduling a Rule 10.1 conference for January 16, 2018, attached hereto *in globo*.

⁵ See Exhibit 6, Defendants' correspondence of January 24, 2018 to counsel for Plaintiff scheduling a Rule 10.1 for January 31, 2018, attached hereto *in globo*.

⁶ See Exhibit 7, 8, and 9 Defendants' correspondence of January 8, 2018 and January 18, 2018 to counsel for Plaintiff, attached hereto *in globo*.

discovery and depositions that the Defendants would have no option but to file a Motion to Compel.⁷ As of the date of filing this Motion to Compel, Plaintiffs have not responded to Defendants' Interrogatories and Request for Production of Documents. In addition, Plaintiffs have not agreed on a date to have their deposition taken live.

II. LAW AND ARGUMENT

Louisiana Code of Civil Procedure articles 1458 and 1462 make it mandatory that responses to Interrogatories and Request for Production of Documents or objections thereto be provided within thirty (30) days. Louisiana Code of Civil Procedure article 1469 provides that the failure to respond timely subjects the non-responding party to payment of attorneys' fees and court costs associated with the filing of a Motion to Compel. In addition, article 1437 of the Louisiana Code of Civil Procedure provides that "after the commencement of the action, any party may take the testimony of any person, including a party by deposition upon oral examination."

The Code provides for sanctions as a means of encouraging the parties to comply with discovery rules.⁸ The first level of sanctions applies when the party from whom discovery is sought does not respond; if the party refuses to "play the game," immediate sanctions can be imposed.⁹ Examples of this kind of conduct include a party's failure to appear at his or her deposition after proper notice, or a failure to respond to Interrogatories or a Request for Production or inspection of documents and things. The court, on motion, may strike the claim or defense, dismiss the action or grant a judgment by default, or may impose lesser penalties such as deeming the matter at issue admitted or prohibiting the recalcitrant party from introducing evidence on the matter.¹⁰

Discovery rules require timely responses to Interrogatories, Motions to Produce or Inspect, and Requests for Admission.¹¹ Failure to timely respond to discovery demands automatically

⁷ See Exhibit 10, Defendants' correspondence of February 1, 2018 to counsel for Plaintiff, attached hereto *in globo*.

⁸ 1 La. Civ. L. Treatise, Civil Procedure § 9.12.

⁹ *Id.*

¹⁰ *Id.*

¹¹ 21 La. Civ. L. Treatise, Louisiana Lawyering § 4.2.

results in certain adverse consequences.¹² Moreover, the discovery articles of the Louisiana Code of Civil Procedure allow Plaintiffs to be deposed.¹³

Counsel for Defendants found it necessary to file this motion so the discovery process can begin. Considering at least two other co-defendants are involved in this matter, the schedules of several attorneys will have to be consulted to set the depositions of the Plaintiffs. As such, counsel for Defendants wish to obtain dates that the Plaintiffs can be deposed so that their testimony can be scheduled at the convenience of all of the parties.

Lastly, Defendants request that the court dismiss Plaintiffs' claim if they do not participate in the discovery process, as ordered by this court.

III. CONCLUSION

Defendants submit that Plaintiffs have failed to answer their discovery requests within the time delays allowed by law. Further, Plaintiffs have not responded to the Defendants' wish to take the Plaintiffs' depositions live.

Defendants need the requested information so that they develop defenses and move forward in the resolution of this matter. Undersigned counsel for Defendants submits that discovery cannot be completed because Plaintiffs have failed or refused to provide responses to discovery and to make offers to schedule the Plaintiffs' deposition testimony.

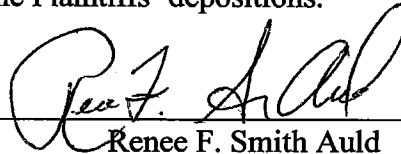
As such, Defendants, Ace American Insurance Company and CRST Expedited, Inc., respectfully request that this Honorable Court compel Plaintiffs to respond to Defendants' discovery requests, and award reasonable attorney fees and court costs associated with filing this Motion to Compel.

¹² *Id.*

¹³ Louisiana Code of Civil Procedure article 1437.

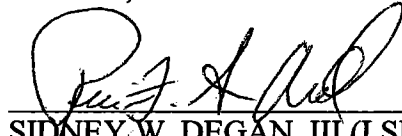
RULE 10.1 CERTIFICATE

As set forth in Exhibits to the attached Memorandum in Support of Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony, Defendants scheduled a Rule 10.1 Conference with Counsel for Plaintiff on January 16, 2019 and, January 31, 2018 but counsel for Plaintiffs did not participate in the Rule 10.1 conference. On February 1, 2018, counsel for Defendants forwarded correspondence to counsel for Plaintiffs, to request a returned phone call by February 2, 2018 to discuss the resolution of the outstanding discovery. The correspondence informed counsel that a Motion to Compel would be filed if a conference was not conducted by February 2, 2018. To date, the Plaintiffs have not responded to the Defendants' discovery and has not made arrangements for the scheduling of the Plaintiffs' depositions.


Renee F. Smith Auld

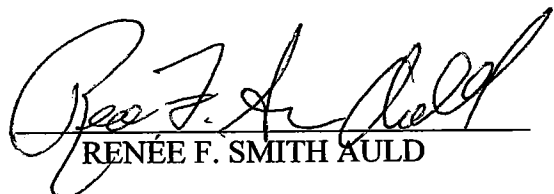
Respectfully Submitted:

DEGAN, BLANCHARD & NASH


SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com
*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

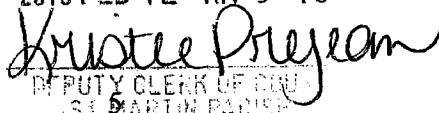
CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 8th day of February, 2018.


RENÉE F. SMITH AULD

RECEIVED AND FILED

2018 FEB 12 AM 9:46


KRISTIE PREJEAN
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

353-10961

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

December 7, 2017

Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Mr. Moroux:

Please find enclosed *Ace American Insurance Company and CRST Expedited, Inc.'s Interrogatories and Request for Production of Documents to Plaintiffs, Gilbert Dugas and Rachael Dugas* in the above referenced matter. Please respond to defendants' discovery within the applicable time delays. Pursuant to the Local Rules, we are retaining the originals in our file.

In addition, please forward to us all pleadings, notices, or discovery forwarded to you by counsel for Pilot Travel Centers.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw
Enclosures



{00252382.DOC;1}

"IDENTIFY" and "IDENTIFICATION", when used with respect to an individual, means to state his or her full name, telephone number, present or last known address, and present or last known place of employment.

"DOCUMENT" or "IDENTIFICATION", when used with reference to a document, means to state the type of document (e.g. contract, chart, lease, memorandum, telegram, etc.) or some other means of identifying its location and custodian, the date thereon, if any, and the identity of the party or parties whose name or names appear thereon, or in lieu thereof, you may attach to your answers a copy of each such document.

"ACCIDENT" and "INJURIES" refers to the alleged accident and injuries set forth by the claimant as forming the basis of this lawsuit.

INTERROGATORY NO. 1:

Please state your full name, current residence address, cell phone number, date of birth; social security number, present marital status and names and ages of all children.

INTERROGATORY NO. 2:

Please state the name, address and telephone number of anyone from whom a statement, whether written, oral, recorded or otherwise, has been obtained by you or on your behalf relating, in any way, to the accident alleged in your Petition and the date such statement was taken, the dates and places such statements were taken, who took said statements and those having custody of said statements.

INTERROGATORY NO. 3:

Please describe in detailed narrative form the incident set forth in the Petition, including how the incident occurred, where you were traveling from, where you were en route to, and the facts leading up to the incident.

INTERROGATORY NO. 4:

Please list and describe each and every injury and damage you allege to have received during or as a result of the accident or occurrence sued upon, including but not limited to those injuries and damages listed in your Petition for Damages, listing such injuries and damages, with particularity, along with indicating when each symptom was first noted and the length of time the injury and/or symptom continued.

INTERROGATORY NO. 5:

Please state whether as a result of the alleged accident or occurrence which forms the basis of your Petition, if you were disabled in any way, and, if so, please explain in

detail, the nature, extent and duration of such disability and whether you applied for disability with a governmental agency, basis for your disability application, and the status of that application. Please also respond as to whether you applied for disability as a result of another accident or injury. When were you assigned disability status?

INTERROGATORY NO. 6:

Please state the names, addresses and specialty of all doctors, counselors, therapists, mental health professionals, chiropractors, and any and all other persons who have rendered any type of health care, physical therapy, or mental health care treatment to you as a result of the injuries and complaints you claim to have received as a result of the accident or occurrence sued upon, including the dates of treatment, treatment rendered, costs of each treatment and a description of any and all surgeries performed; and, if you are not currently receiving medical services and/or treatment, please give the date you last consulted a physician for the injuries allegedly resulting from the accident or occurrence sued upon, and the name and address of each such physician.

INTERROGATORY NO. 7:

Please list all injuries and illnesses you have experienced at any time *prior to or subsequent to* the incident described in your Petition which required hospitalization or outpatient procedures, and please provide a brief synopsis of each accident and/or incident including the dates of any and all hospitalizations, accidents, injuries and illnesses; date of any inpatient or outpatient surgical procedure(s) performed; name of hospital and/or medical center where you were treated; purpose of hospitalization; whether injury or illness was aggravated by the incident described in your Petition; and, all other persons who examined you or rendered any health treatment including mental health treatment to you in connection with those accidents, injuries and/or illnesses, giving the address and specialty of such persons.

INTERROGATORY NO. 8:

Please state the name and address of each physician who treated you for any purpose for the past ten (10) years through the present.

INTERROGATORY NO. 9:

Please state the name and address of each pharmacy that has filled prescriptions for you during the past ten (10) years through the present.

INTERROGATORY NO. 10:

Please state whether you have ever made a claim for any personal injury or whether you have ever been involved in any lawsuit either prior to or subsequent to the incident which is the subject matter of this lawsuit. If so, please provide a brief narrative description of the claim, the injuries received, the disposition of the claim, and the name and address of any attorney(s) representing you, the court to which it was lodged and the docket number to which it was assigned.

INTERROGATORY NO. 11:

For every individual contacted and/or retained whom Plaintiff anticipates may be called as an expert witness in the trial of this matter: (a) state the expert's full name and current or last known address and telephone number; (b) specify the expert's area of expertise and qualifications; (c) identity the subject matter on which the witness will testify; (d) set forth the conclusions and opinions of the witness and the basis therefore; and (e) identify all reports rendered by the expert.

INTERROGATORY NO. 12:

Please identify each and every exhibit, demonstrative aid or other document that you intend to introduce as evidence or show to the jury or other finder of fact at trial of this matter.

INTERROGATORY NO. 13:

List each item of damages which you claim, itemizing all charges, expenses and losses, including income and property damage, paid or incurred by you, stating to whom paid or owed, and attach to your response copies of all bills or estimates relating thereto. As to each item of damage which you claim, state its dollar value, how it is calculated, and the date it was incurred or is expected to be incurred, including but not limited to, doctors' bills, x-rays, hospital expenses, nursing expenses, medical expenses, surgical apparatus, and/or diagnostic tests.

INTERROGATORY NO. 14:

Please identify all passengers in your vehicle at the time of the accident, if any, their current residence address, telephone number, length of time known, and reason for their presence in your vehicle on October 31, 2016.

INTERROGATORY NO. 15:

Please state the name and address of all employers by whom you were employed at the time of the incident and for five years preceding this incident, as well as stating for whom you have worked since the incident, specifying the nature of your employment with each, the dates of your employment and the reason for your separation, if applicable, from each employer.

INTERROGATORY NO. 16:

If you are claiming loss of past, present and/or future earnings from employment as a result of this accident, please state the total amount of such loss and method of computation, the date(s) you were absent from your employment and the date you first returned to work after the accident. If you missed any days of work as a result of the accident at issue, please list the names and addresses of your Human Resources Directors and your immediate supervisory at your place of employment.

INTERROGATORY NO. 17:

If you are claiming loss of future earning capacity as a result of this accident, please state a detailed basis for your claim of loss of future earning capacity, total amount of such loss and method of computation.

INTERROGATORY NO. 18:

Please list and identify all prior auto accidents in which you have been involved in through the present and describe each accident, the location of the accident, the approximate month and year of each accident and whether you were cited by the investigating police officer for each accident. Did you file a suit as a result of the accident? If so, who was your attorney?

INTERROGATORY NO. 19:

Please describe all serious permanent injuries that you allege you suffered from the automobile accident on October 31, 2016 as set forth in your Petition for Damages.

INTERROGATORY NO. 20:

Please describe the basis for your contentions in paragraph 3 of the Petition that Mark Strauss was negligent and caused an accident.

INTERROGATORY NO. 21:

Please indicate whether you, your representatives, attorneys, etc., are in possession of any photographs, maps, plans, drawings, etc., of the location of the alleged accident and/or surrounding areas, the alleged injuries sustained by plaintiff or of any other matters or things involved in the alleged accident.

INTERROGATORY NO. 22:

Please describe the nature and severity of all of the injuries you have listed in paragraph 5 of your Petition. Please also list the physicians you have seen for each injury.

INTERROGATORY NO. 23:

Please describe the loss of enjoyment of life alleged in paragraph 5 of your Petition, including all activities you are unable to perform because of this alleged incident.

INTERROGATORY NO. 24:

Please describe the basis for your contention 5 in paragraph II of your Petition that you have incurred medical expenses, past and future loss of earnings and loss of earning capacity

INTERROGATORY NO. 25:

Have you ever been a plaintiff or defendant in any other criminal or civil suit?

INTERROGATORY NO. 26:

What actions, if any, did you take to try to avoid the accident at issue?

INTERROGATORY NO. 27:

State the amount reported as earned income in your income tax returns for each of the past five years preceding the occurrence, and for any full year subsequent to the occurrence, and the District in which the returns were filed, and attach copies of your returns to these answers.

INTERROGATORY NO. 28:

If you used or consumed by any means any alcoholic beverages, sedatives, tranquilizers, illegal drugs or prescribed medications within 72 hours preceding this accident, identify the nature and amount of each, and state when and where obtained and consumed.

INTERROGATORY NO. 29:

List all fact and expert witnesses to this matter, regardless of whether or you plan to call them at trial and describe in detail the topic areas and substance of their testimony.

INTERROGATORY NO. 30:

State what part of the vehicle in which you were situated was damaged and, if it was estimated or repaired, the name and address of the person who performed such estimate or repairs, the dates of such work and the cost thereof. If such vehicle is unrepaired, state the address and the hour at which it may be seen.

INTERROGATORY NO. 31:

Please list and describe all insurance policies of any nature or kind, which provide or may provide insurance coverage for the accident or events described in the original Petition for Damages of plaintiff.

INTERROGATORY NO. 32:

Please list any activities and hobbies (such as running, jogging, gardening, jogging, exercising fishing, bowling, hunting, softball, weight lifting, etc.) that you can no longer participate in as a result of the accident at issue. Please also list the extent that your participation is limited. (Hence, please list all activities, even if you have been only slightly hampered from participating in such activities as a result of the accident at issue.)

Please also list the names and addresses of persons who have participated in such activities and hobbies with you both before and after the accident at issue.

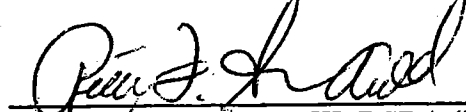
INTERROGATORY NO. 33:

Please state whether you were inside or outside of your car when your vehicle was struck. Please describe which part of Mark Strauss's came into contact with your vehicle.

These Interrogatories shall be deemed continuing so as to require supplemental answers if you or your attorneys obtain further information between the time answers are served and the time of trial.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4804)
RENEE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
E-mail: sdegan@degan.com
rsmith@degan.com

*Attorneys for Defendants, ACE American
Insurance Company, and CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties of record via either facsimile transmission or by placing same in the United States Mail, properly addressed and postage pre-paid on this 7th day of December, 2017.



RENEE F. SMITH AULD

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

353-10961

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY

FILED: _____

DEPUTY CLERK

ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF,
GILBERT DUGAS

TO: **Gilbert Dugas**
through his attorney of record,
Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

NOW INTO COURT, through undersigned counsel, comes Defendant, Fort Worth Carrier Corporation, and pursuant to Articles 1461 and 1462 of the Louisiana Code of Civil Procedure propounds the following Requests for Production of Documents to Plaintiff, Gilbert Dugas, requiring a response within the time delays allowed by law.

These Requests for Production of Documents are continuing in nature. It is requested that all documents and things requested herein be produced at the Law Offices of Degan, Blanchard & Nash, 400 Poydras Street, Suite 2600, New Orleans, Louisiana 70130.

DEFINITIONS

The following definitions shall apply throughout this set of Requests for Production of Documents and shall be adopted by you in responding thereto:

- A. "Person" shall mean any natural person, partnership, firm association, corporation, or other business or governmental or legal entity.
- B. "You" or "yours" means **Gilbert Davis** and your representatives and shall further embrace and include your attorneys, agents, servants,



representatives, private investigators, and others, who are in a position or may have obtained information for or on behalf of you or who are acting or purporting to act on their behalf.

- C. "Documents" shall mean the original (or copy if the original is not available) and each non-identical copy (whether non-identical because of alterations, attachments, blanks, comments, notes, underlying or otherwise) or any writing or record, however described, whether account, agreement, amendment, article, authorization, bank advise or similar notice transfer, bank statement, bill, bill of lading, blueprint, book, charge, chart, check, contract, correspondence, deposit slip, diary, drawing, entry, estimate, or cost-to-complete estimate, film, financial statement, graph, instruction, internal document, invoice, journal, ledger or subsidiary ledger, letter, memorandum, minutes, notes, notebook, plan, photocopy, photograph, projection, publication, purchase order, record, recording, report, schedule, scrapbook, sketch, specification, speech, tape, telegram, telex, transcript, voucher, or any other written, typed, or recorded material of any other nature whatsoever and all retrievable data (whether encarded, taped or coded electrostatically, electromagnetically or otherwise) in your possession, custody or control, or known to you, wherever the document is located, however produced or reproduced, whether draft or final version.
- D. "Pertains" shall mean concerns, relates to, or is connected with the subject incident in any manner.
- E. "Identify" when used in reference to:
- (1) a natural person, shall mean to state the person's full name and last known address and telephone number.
 - (2) a business or governmental entity not a natural person, shall mean to state the entity's full name, principal activities, state of legal creation, address and telephone number of its principal place of business.
 - (3) a document, shall mean to state the document's description (e.g., letter, memorandum, report, etc.), title, date, author, and present location.
 - (4) communication or statement, shall mean to state the date of occurrence, place of occurrence substance, each person by whom the communication was made, and each person who was present when the communication was made.
- F. "Address" shall mean the street number, street, post office box, city and state of subject person, business or other entity.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please provide any and all medical records and reports from any healthcare provider, including but not limited to hospital records, doctor, chiropractor, physical therapy, psychological and counseling records, reports, notes, charts and bills pertaining

to your alleged injuries and/or treatment or examination of the injuries alleged by you as a result of the incident described in your Petition.

REQUEST FOR PRODUCTION NO. 2:

Please produce any and all medical and pharmaceutical bills paid or incurred by you in connection with the incident which forms the basis of this lawsuit, including but not limited to, doctors' bills, x-rays, hospital expenses, nursing expenses, medical expenses, surgical apparatus, and/or diagnostic tests.

REQUEST FOR PRODUCTION NO. 3:

Please produce each exhibit, demonstrative aid, document or other object or video which you intend to introduce as an exhibit or show to the jury or other finder of fact during the trial of this matter or in support of your claim.

REQUEST FOR PRODUCTION NO. 4:

Please provide any and all statements, whether recorded, oral, written, transcribed, or of any other nature, which are in the possession of you or your attorneys, that bear any relation to the alleged injury.

REQUEST FOR PRODUCTION NO. 5:

Please produce copies of any and all incident, accident and/or police reports in any way relating to the alleged injury which is the subject matter of this litigation.

REQUEST FOR PRODUCTION NO. 6:

Please produce copies of any and all reports, records and documentation from expert witnesses which you intend to call during discovery or at trial that you have consulted with relating to the subject matter of this litigation.

REQUEST FOR PRODUCTION NO. 7:

Please produce any and all photographs, videos, DVD's and/or digital facsimiles taken of any party, location and/or object as a result of the circumstances leading up to the accident or resulting in the alleged injuries of the plaintiff and/or which are relevant to the accident or occurrence sued upon.

REQUEST FOR PRODUCTION NO. 8:

Please produce any and all investigative data of whatsoever nature pertaining to the accident and alleged injury which is the subject matter of this litigation.

REQUEST FOR PRODUCTION NO. 9:

Please produce copies of any and all documents, including but not limited to invoices and receipts, which relate to your claim in the Petition for Damages that you have incurred rental expenses as a result of the accident or occurrence sued upon.

REQUEST FOR PRODUCTION NO. 10:

Please produce copies of any and all documents, including invoices, receipts and/or appraisals, which relate to your claim in the Petition for Damages that you incurred property damages as a result of the accident or occurrence sued upon.

REQUEST FOR PRODUCTION NO. 11:

Please produce copies of any and all photographs, maps, plans, drawings, or any other document which shows the location of the alleged accident and/or surrounding areas, the alleged injuries sustained by plaintiff or of any other matters or things involved in the alleged accident.

REQUEST FOR PRODUCTION NO. 12:

Please produce copies of any and all documents which relate to your contention in your Petition that you suffered painful and serious injuries.

REQUEST FOR PRODUCTION NO. 13:

Please produce copies of any and all documents which relate to your allegations in paragraph 3 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 14:

Please produce copies of any and all documents which relate to your allegations in paragraph 4 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 15:

Please produce copies of any and all documents which relate to your allegations in paragraph 4 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 16:

Please produce copies of any and all documents which relate to your allegations in paragraph 6 of your Petition for Damages.

REQUEST FOR PRODUCTION NO. 17:

Please produce a certified copy of the policy(s) booklet(s) and applicable declaration sheet(s) for your personal liability policy, uninsured/underinsured motorist policy, and/or any and all policies identified by you in response to Interrogatory No. 31.

REQUEST FOR PRODUCTION NO. 18:

Please execute the attached HIPPA/Medical Authorization form, Authorization to Disclose Protected Health Information Pursuant to 45 CFR 164.508, and Authorization to Disclose Protected Psychiatric, Psychotherapy, Counseling, Psychology and/or Health Information Pursuant to 45 CFR 164.508.

REQUEST FOR PRODUCTION NO. 19:

Please execute the attached Form 4506 Request for Copy of Tax Return.

REQUEST FOR PRODUCTION NO. 20:

Please execute the attached Authorization for Release of Employment Information and Records.

REQUEST FOR PRODUCTION NO. 21:

Please execute the attached request for Social Security Administration Consent for Release of Information (Form Approved OMB NO. 0960-0566) and Social Security Administration Release for Social Security Earnings Information (OMB No. 0960-0525).

REQUEST FOR PRODUCTION NO. 22:

Please execute the attached Louisiana Department of Health Authorization to Release or Obtain Health Information.

REQUEST FOR PRODUCTION NO. 23:

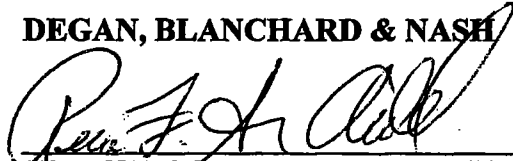
Please attach correspondence or any documentation indicating that you receive social security disability benefits.

REQUEST FOR PRODUCTION NO. 24:

Please produce a copy of each and every writing, document or other physical evidence referred to, described or identified in your answers or responses to any of the Interrogatories, contemporaneously propounded to you with these Requests for Production of Documents, which has not been produced in response to a Request for Production above.

Respectfully Submitted:

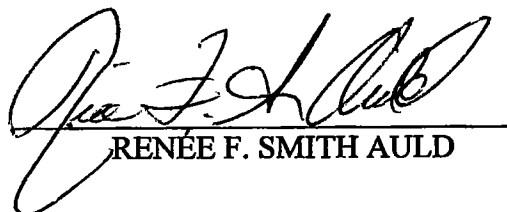
DEGAN, BLANCHARD & NASH



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Telephone: (504) 529-3333
Facsimile: (504) 529-3337
E-mail: sdegan@degan.com
rsmith@degan.com
*Attorneys for Defendants, ACE American
Insurance Company, and CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties of record via either facsimile transmission or by placing same in the United States Mail, properly addressed and postage pre-paid on this 7th day of December, 2017.



RENÉE F. SMITH AULD

353-10961

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY**

FILED: _____

DEPUTY CLERK

**ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
FIRST SET OF INTERROGATORIES
TO PLAINTIFF, RACHAEL DUGAS**

TO: Rachael Dugas
through her attorney of record,
Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), pursuant to Article 1457, *et seq.*, of the Louisiana Civil Code of Procedure. These Interrogatories are to be answered separately and fully in writing, under oath, and such answers are to be signed by the person making them and served upon the attorneys of record for defendant within thirty (30) days of service of the Interrogatories. These Interrogatories shall be deemed continuing, so as to require supplemental answers in accordance with Article 1428 of the Louisiana Code of Civil Procedure.

DEFINITIONS:

In the following Interrogatories:

"YOU" or "YOUR" shall mean RACHAEL DUGAS including any and all representatives or other persons acting on your behalf.

"IDENTIFY" and "IDENTIFICATION", when used with respect to an individual, means to state his or her full name, telephone number, present or last known address, and



present or last known place of employment.

"DOCUMENT" or "IDENTIFICATION", when used with reference to a document, means to state the type of document (e.g. contract, chart, lease, memorandum, telegram, etc.) or some other means of identifying its location and custodian, the date thereon, if any, and the identity of the party or parties whose name or names appear thereon, or in lieu thereof, you may attach to your answers a copy of each such document.

"ACCIDENT" and "INJURIES" refers to the alleged accident and injuries set forth by the claimant as forming the basis of this lawsuit.

"Petition" shall mean original Petition for Damages ("Petition") and/or First Supplemental and Amending Petition for Damages ("Amending Petition").

INTERROGATORY NO. 1:

Please state your full name, current residence address, cell phone number, date of birth, social security number, present marital status, date of marriage, and names and ages of all children.

INTERROGATORY NO. 2:

Please state the name, address and telephone number of anyone from whom a statement, whether written, oral, recorded or otherwise, has been obtained by you or on your behalf relating, in any way, to the accident alleged in your Petition and the date such statement was taken, the dates and places such statements were taken, who took said statements and those having custody of said statements.

INTERROGATORY NO. 3:

Please describe in detailed narrative form the incident set forth in the your Petition and Amending Petition, including how the incident occurred, where Gilbert Dugas was traveling from, where he was en route to, and the facts leading up to the incident. Were you in the vehicle with Gilbert Dugas when the accident occurred? If so, where were you sitting?

INTERROGATORY NO. 4:

Please list and describe each and every injury and damage that you allege you, Rachael Gilbert, received during or as a result of the accident or occurrence sued upon, including but not limited to those injuries and damages listed in your Petition and Amended Petition, listing such injuries and damages, with particularity, along with indicating when each symptom was first noted and the length of time the injury and/or symptom continued.

INTERROGATORY NO. 5:

Please state the names, addresses and specialty of all doctors, counselors, therapists, mental health professionals, chiropractors, and any and all other persons who have rendered any type of health care, physical therapy, or mental health care treatment to you, as a result of the injuries and complaints you claim to have received as a result of the accident or occurrence sued upon, including the dates of treatment, treatment rendered, costs of each treatment and a description of any and all surgeries performed; and, if you are not currently receiving medical services and/or treatment, please give the date you last consulted a physician for the injuries allegedly resulting from the accident or occurrence sued upon, and the name and address of each such physician.

INTERROGATORY NO. 6:

Please list all injuries and illnesses you and/, have experienced at any time prior to or subsequent to the incident described in your Petition for Damages, which required hospitalization or outpatient procedures, and please provide a brief synopsis of each accident and/or incident including the dates of any and all hospitalizations, accidents, injuries and illnesses; date of any inpatient or outpatient surgical procedure(s) performed; name of hospital and/or medical center where you were treated; purpose of hospitalization; whether injury or illness was aggravated by the incident described in your Petition and Amending Petition; and, all other persons who examined you or rendered any health treatment including mental health treatment to you in connection with those accidents, injuries and/or illnesses, giving the address and specialty of such persons.

INTERROGATORY NO. 7:

Please state the name and address of each physician who treated you, for any purpose for the past ten (10) years through the present.

INTERROGATORY NO. 8:

Please state the name and address of each pharmacy that has filled prescriptions for you, during the past ten (10) years through the present.

INTERROGATORY NO. 9:

Please state whether you have ever made a claim for any personal injury or whether you have ever been involved in any lawsuit either prior to or subsequent to the incident which is the subject matter of this lawsuit. If so, please provide a brief narrative description of the claim, the injuries received, the disposition of the claim, and the name and address of any attorney(s) representing you. the court to which it was lodged and the docket number to which it was assigned.

INTERROGATORY NO. 10:

For every individual contacted and/or retained whom Plaintiffs, individually, anticipates may be called as an expert witness in the trial of this matter: (a) state the expert's full name and current or last known address and telephone number; (b) specify the expert's area of expertise and qualifications; (c) identity the subject matter on which the witness will testify; (d) set forth the conclusions and opinions of the witness and the basis therefore; and (e) identify all reports rendered by the expert.

INTERROGATORY NO. 11:

Please identify each and every exhibit, demonstrative aid or other document that you intend to introduce as evidence or show to the jury or other finder of fact at trial of this matter.

Please identify all passengers in the vehicle at the time of the accident, if any, their current residence address, telephone number, length of time known, and reason for their presence in the vehicle.

INTERROGATORY NO. 12:

Set forth with particularity the services, companionship, consortium, jobs, duties, and household chores rendered by your spouse to you **after** the incident complained of in the complaint.

INTERROGATORY NO. 13:

Set forth with particularity the services, companionship, consortium, jobs, duties, and household chores lost by you as alleged in the complaint.

INTERROGATORY NO. 14:

During the period of your marriage **before** the incident referred to in the complaint, how many hours per week did you spend in the presence of your spouse, excluding sleeping time, and how were these hours spent?

INTERROGATORY NO. 15:

Did you take vacations with your spouse during any period **before** to the incident complained of in the complaint? If so, give dates and places of these vacations.

INTERROGATORY NO. 16:

Did you take a vacation with your spouse during the year **before** the incident complained of in the complaint? If so, where did you go and for how long a period.

INTERROGATORY NO. 17:

During the period of your marriage **after** the incident referred to in the complaint, how many hours per week have you spend in the presence of your spouse, excluding sleeping time, and how were these hours spent?

INTERROGATORY NO. 18:

Did you take a vacation with your spouse any time **after** the incident complained of in the complaint? If so, where did you go and for how long a period.

INTERROGATORY NO. 19:

Before the incident complained of in the complaint, did you participate in any activities, including leisure activities, with your spouse, other than activities addressed in previous interrogatories? If so, for each activity, state:

- a. A description of the activity.

- b. The number of hours for each of the 12 months before the incident complained of in the complaint that you participated in the activity with your spouse.

INTERROGATORY NO. 20:

After the incident complained of in the complaint, have you continued to participate in any of the activities referred to in the preceding interrogatories alone or with a person other than your spouse? If so, for each activity, state:

- a. A description of the activity.
- b. The number of hours for each of the 12 months after the incident that you participated in the activity by yourself or with a person other than your spouse.
- c. The name and address of each person other than yourself that participated with you in the activity.

INTERROGATORY NO. 21:

Is there any activity, not referred to above, in which you and your spouse participated together before the incident complained of in the complaint which you claim has been limited or terminated because of alleged injury suffered in the incident complained of in the complaint? If so, for each activity, state:

- a. A description of the activity.
- b. The alleged injury which caused the termination or limitation.
- c. The extent to which such activity is limited, i.e., totally or partially.
- d. Whether your spouse will be able to resume such activity at a future time, and, if so, when.

INTERROGATORY NO. 22:

Do you claim that the alleged injuries suffered by your spouse in the incident complained of in the complaint terminated or limited your sexual relations with your spouse? If so, state in what manner the alleged injuries terminated or limited such relations.

INTERROGATORY NO. 23:

Did you engage in sexual relations with your spouse during the 12 month before the incident complained of in the complaint? If so, state the frequency of such relations, in times per month, over this period.

INTERROGATORY NO. 24:

Have you engaged in sexual relations with your spouse **after** the incident complained of in the complaint? If so, state the frequency of such relations for each of the months since the incident complained of in the complaint.

INTERROGATORY NO. 25:

Have you and your current spouse ever lived physically apart or been separated for longer than one week at any time during the course of your marriage? If so, state:

- a. The date(s) of any such separation(s);
- b. The duration of any such separation(s);
- c. Where your spouse lived during any such separation(s);
- d. Where you lived during any such separation(s); and
- e. The specific reason for any such separation(s).

INTERROGATORY NO. 26:

During the course of your marriage have you ever physically abused your spouse?

If so, state:

- a. The date(s) and time(s) when any such physical abuse occurred;
- b. The specific type of physical abuse for each such occurrence;
- c. The specific nature of any type of injuries suffered by your spouse as a result of each such incident of physical abuse; and
- d. Whether any such injuries were permanent in nature and the extent of their permanency.

INTERROGATORY NO. 27:

During the course of your marriage has your spouse ever physically abused you?

If so, state:

- a. The date(s) and time(s) when any such physical abuse occurred;
- b. The specific type of physical abuse for each such occurrence;
- c. The specific nature of any type of injuries suffered by you as a result of each such incident of physical abuse; and
- d. Whether any such injuries were permanent in nature and the extent of their permanency.

INTERROGATORY NO. 28:

During the course of your marriage to your current spouse have you or your spouse ever sought marriage counseling, or counseling of any type concerning your marriage to your current spouse? If so, state:

- a. The date(s) and time(s) when any counseling occurred;
- b. The specific type of counseling sought;
- c. The duration of any such counseling;
- d. The specific reason(s) for seeking such counseling; and
- e. The names and address of all counselors you or your spouse consulted with for any such counseling.

INTERROGATORY NO. 29:

During the course of your marriage have law enforcement officials ever been summoned to your place of residence as a result of a domestic dispute? If so, state:

- a. The date(s) and time(s) when any such events occurred;
- b. The specific reason why law enforcement officials were summoned each time;
- c. The name and address of each law enforcement agency summoned to any such dispute; and
- d. The result of any such occurrence.

INTERROGATORY NO. 30:

During the course of your marriage to your current spouse have you ever had an extramarital affair? If so, state:

- a. The date(s) and time(s) when such affair(s) occurred; and
- b. The duration of any such affair(s).

INTERROGATORY NO. 31:

With regard to your claim for consortium, describe the evidence that you will introduce at trial to prove loss of love and affection.

INTERROGATORY NO. 32:

With regard to your claim for consortium, describe the evidence that you will introduce at trial to prove loss of financial support.

INTERROGATORY NO. 33:

With regard to your claim for consortium, describe the evidence that you will introduce at trial to prove impairment of sexual relations.

INTERROGATORY NO. 34:

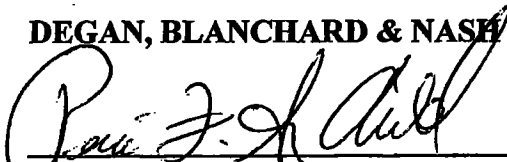
With regard to your claim for consortium, describe the evidence that you will introduce at trial to prove loss of material services, loss of society and companionship.

INTERROGATORY NO. 36

State the name and address of any physician, counselor, or other health care provider who has rendered any treatment or services to you for injury/damage sustained as part of this claim for loss of consortium.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH

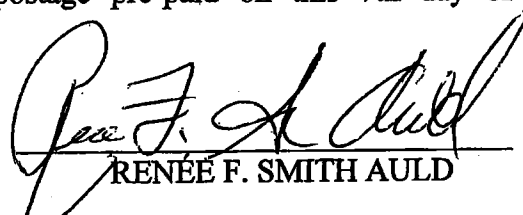


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Facsimile: (504) 529-3337
E-mail: sdegan@degan.com
rsmith@degan.com

*Attorneys for Defendants,
ACE American Insurance Company, and
CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties of record via either facsimile transmission or by placing same in the United States Mail, properly addressed and postage pre-paid on this 7th day of December, 2017.


RENÉE F. SMITH AULD

353-10961

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE INSURANCE SECURITY COMPANY**

FILED: _____

DEPUTY CLERK

**ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED, INC.'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF, RACHAEL DUGAS**

TO: Rachael Dugas
through her attorney of record,
Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

NOW INTO COURT, through undersigned counsel, comes Defendants, Ace American Insurance Company and CRST Expedited, Inc., and pursuant to Articles 1461 and 1462 of the Louisiana Code of Civil Procedure propounds the following Requests for Production of Documents to Plaintiff, Rachael Dugas, requiring a response within the time delays allowed by law.

These Requests for Production of Documents are continuing in nature. It is requested that all documents and things requested herein be produced at the Law Offices of Degan, Blanchard & Nash, 400 Poydras Street, Suite 2600, New Orleans, Louisiana 70130.

DEFINITIONS

The following definitions shall apply throughout this set of Requests for Production of Documents and shall be adopted by you in responding thereto:

- A. "Person" shall mean any natural person, partnership, firm association, corporation, or other business or governmental or legal entity.



- B. "You" or "yours" means **Rachael Dugas** and your representatives and shall further embrace and include your attorneys, agents, servants, representatives, private investigators, and others, who are in a position or may have obtained information for or on behalf of you or who are acting or purporting to act on their behalf.
- C. "Documents" shall mean the original (or copy if the original is not available) and each non-identical copy (whether non-identical because of alterations, attachments, blanks, comments, notes, underlying or otherwise) or any writing or record, however described, whether account, agreement, amendment, article, authorization, bank advise or similar notice transfer, bank statement, bill, bill of lading, blueprint, book, charge, chart, check, contract, correspondence, deposit slip, diary, drawing, entry, estimate, or cost-to-complete estimate, film, financial statement, graph, instruction, internal document, invoice, journal, ledger or subsidiary ledger, letter, memorandum, minutes, notes, notebook, plan, photocopy, photograph, projection, publication, purchase order, record, recording, report, schedule, scrapbook, sketch, specification, speech, tape, telegram, telex, transcript, voucher, or any other written, typed, or recorded material of any other nature whatsoever and all retrievable data (whether encarded, taped or coded electrostatically, electromagnetically or otherwise) in your possession, custody or control, or known to you, wherever the document is located, however produced or reproduced, whether draft or final version.
- D. "Pertains" shall mean concerns, relates to, or is connected with the subject incident in any manner.
- E. "Identify" when used in reference to:
- (1) a natural person, shall mean to state the person's full name and last known address and telephone number.
 - (2) a business or governmental entity not a natural person, shall mean to state the entity's full name, principal activities, state of legal creation, address and telephone number of its principal place of business.
 - (3) a document, shall mean to state the document's description (e.g., letter, memorandum, report, etc.), title, date, author, and present location.
 - (4) communication or statement, shall mean to state the date of occurrence, place of occurrence substance, each person by whom the communication was made, and each person who was present when the communication was made.
- F. "Address" shall mean the street number, street, post office box, city and state of subject person, business or other entity.

DEFINITIONS:

In the following Interrogatories:

"YOU" or "YOUR" shall mean **RACHAEL DUGAS** including any and all representatives or other persons acting on your behalf.

"IDENTIFY" and "IDENTIFICATION", when used with respect to an individual, means to state his or her full name, telephone number, present or last known address, and

present or last known place of employment.

"DOCUMENT" or "IDENTIFICATION", when used with reference to a document, means to state the type of document (e.g. contract, chart, lease, memorandum, telegram, etc.) or some other means of identifying its location and custodian, the date thereon, if any, and the identity of the party or parties whose name or names appear thereon, or in lieu thereof, you may attach to your answers a copy of each such document.

"ACCIDENT" and "INJURIES" refers to the alleged accident and injuries set forth by the claimant as forming the basis of this lawsuit.

"Petition" shall mean original Petition for Damages ("Petition") and/or First Supplemental and Amending Petition for Damages ("Amending Petition").

Definitions

As used herein, either in the definitions or in the requests themselves:

- A. The term "person" shall mean all natural and civil persons and includes any individual, association, corporation, partnership, firm, joint venture or any other business or legal entity; and includes any governmental or quasi-governmental branch, department, bureau or agency.
- B. The term "document" shall mean any written, printed, non-printed, typed, photocopies, photographic, reproduced and graphic matter of any kind or character and any recorded or stored information, however produced or reproduced, (i) in your possession or control or (ii) known to you to exist, including (without limiting the generality of the foregoing), affidavits, agreements, books, calendars, communications, contracts, correspondence, desk pads, diaries, diary or calendar entries, ledgers and ledger entries, lists, memoranda, minutes and minute entries, notes, printouts, records of meetings, conferences and telephone or other conferences, conversations or communications, reports, statements, studies, telegrams, teletypes and/or work papers, and information stored in computers or other data storage or processing equipment, or in magnetic or electronic media, microfilm or microfiche or other form which can be retrieved or printed out or reduced to readable form through proper programming, decoding or processing, together with the necessary instructions for understanding, using or reproducing same.
- C. The term "document" also includes originals and all copies of documents containing notes, notations, comments, observations, remarks, underscoring, marks made for emphasis, highlighting, or attention and encircling, relating or referring in any way to the subject matter of these requests.
- D. The terms "you" and "your" shall mean Rachael Dugas, and every individual who, because acting as your representative, in the investigation or preparation of this action of this action and your agents, attorneys, investigators and representatives having knowledge of any matter which is subject of this discovery pleadings who can furnish information.
- E. The term "act" shall mean any act occurrence, occasion, meeting, transaction, or conduct.

F. "Identify" in connection with a "document" means to:

- (1) State the type of document (letter, memorandum, etc.); state the date of the document; the name and address of its author; the name and address of the person to whom the document was addressed; the names and addresses of all persons to whom copies of the document were to have been sent and the business affiliation of all such persons as of the date of the document, and, further, if the document is an agreement or contract, state the names of each party to the agreement or contract, the date on which it was entered into, the place where it was confected, its terms and/or conditions, the present location of an original copy thereof, the name and address of its custodian and the contents thereof. If the agreement or contract has been amended or supplemented, this must be stated and the above information furnished on each such amendment or supplement.
- (2) State whether you or anyone acting in your behalf are in possession of the original copy and identify the person having custody. If you do not possess the original, state (a) who does, and (b) the location and custodian of any copy of the original. In lieu of "identifying" any document, a copy thereof may be supplied, if you sufficiently relate the supplied copy to the pertinent inquiry therein.

G. "Identify" in connection with a "person" means to:

- (1) State the person's name, title, present address, if known, or past address if the present address is not known, telephone number, present business affiliations, title and position; and
- (2) State the person's relationship to you, his present employer and his employer at the time the person identified acquired information sought from such persons.

H. "Identify" in connection with a "partnership or corporation" means to:

- (1) State its full name, its state of organization or incorporation, and its principal place of business; and
- (2) State the partnership or corporation's relationship to you.

I. "Identify" in connection with a person other than an individual, partnership or corporation, means to state the person's official name, the person's organization's form and the person's present address.

J. "Identify" in connection with any "act" shall mean to set forth the event or events constituting such an act, its location, the date and person participating, present or involved, and to identify documents relating or referring in any way thereto; when used in reference to any oral conversation, or discussion, it shall mean, in addition to the foregoing, to set forth the substance of what was said, when, where, by and to whom.

K. "Describe" or "specify" mean:

- (1) Describe fully and in detail by reference to underlying facts rather than reference to ultimate facts or conclusions of fact or law;
- (2) Particularize as to time, place and participants; and

- (3) Set forth all relevant facts necessary to a complete understanding of the act, process, event, or thing in question.
- L. Words herein of any gender shall be deemed to include all other genders and the singular be deemed to encompass the plural.
- M. The term “and” means both the conjunctive “and” and the disjunctive “or” and the words “and/or.”

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

A copy of each and every document or other tangible item you anticipate introducing into evidence at the time of the trial in the captioned matter.

REQUEST FOR PRODUCTION NO. 2:

A copy of each and every document you anticipate introducing into evidence to prove your allegations of loss of love and affection

REQUEST FOR PRODUCTION NO. 3:

A copy of each and every document you anticipate introducing into evidence to prove your allegations of loss of financial support.

REQUEST FOR PRODUCTION NO. 4:

A copy of each and every document you anticipate introducing into evidence to prove your allegations of impairment of sexual relations.

REQUEST FOR PRODUCTION NO. 5:

A copy of each and every document you anticipate introducing into evidence to prove your allegations of loss of material services.

REQUEST FOR PRODUCTION NO. 6:

A copy of each and every document you anticipate introducing into evidence to prove your allegations of loss of society and companionship

REQUEST FOR PRODUCTION NO. 7:

A copy of any and all reports, office notes, correspondence and other documents from any and all physician, counselor, or other health care provider who has rendered any treatment or services to you for injury/damage sustained as part of this claim for loss of

consortium. (Completion and execution of the attached authorization will satisfy this Request for Production.)

REQUEST FOR PRODUCTION NO. 8:

A list of all expenses incurred by you and paid for you out of your own pocket as a result of your claims for loss of consortium.

REQUEST FOR PRODUCTION NO. 9:

Copies of all safety and operating rules, regulations, recommendations, etc. which you contend were violated by this defendant and which contributed to or caused your alleged loss of consortium.

REQUEST FOR PRODUCTION NO. 10:

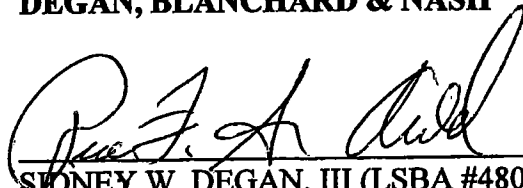
A full and complete legible copy of all reports rendered by experts retained by you, your attorneys or other representatives concerning your claims for loss of consortium.

REQUEST FOR PRODUCTION NO. 11:

Please produce a copy of each and every writing, document or other physical evidence referred to, described or identified in your answers or responses to any of the Interrogatories, contemporaneously propounded to you with these Requests for Production of Documents, which has not been produced in response to a Request for Production above.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4804)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
E-mail: sdegan@degan.com
rsmith@degan.com

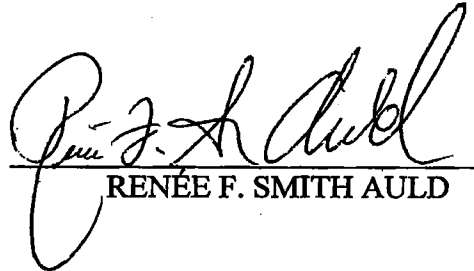
*Attorneys for Defendants,
ACE American Insurance Company, and
CRST Expedited, Inc.*

RECEIVED AND FILED
2018 FEB 12 AM 9:46

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties of record via either facsimile transmission or by placing same in the United States Mail, properly addressed and postage pre-paid on this 7th day of December, 2017.



RENÉE F. SMITH AULD

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

January 11, 2018

VIA U.S. MAIL AND EMAIL

Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Jerome:

As of today's date, our office has not received any response regarding the *Interrogatories and Request for Production of Documents* we previously forwarded to your clients, Gilbert Dugas and Rachael Dugas on December 7, 2017. Pursuant to Rule 10.1 we are scheduling a telephone discovery conference to be initiated by our office on **Tuesday, January 16, 2018 at 3:00 p.m.**

If this date and time is not convenient for you, please contact our office immediately, and we will select another mutually convenient date and time. Should you choose not to participate in the 10.1 conference, we will be left with no other option but to file a Motion to Compel Discovery.

Considering we have learned who will be representing Pilot Travel Centers and Progressive Security Insurance Company, please contact the plaintiffs and obtain dates they are available to be deposed.

Lastly, it is my understanding that Mr. Strauss has not been served, to date. Please contact me once you have received the green card from Mr. Strauss and we will file a timely Answer.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw

{00260869.DOC;1}



DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

January 24, 2018

VIA U.S. MAIL AND EMAIL

Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Jerome:

Please find enclosed *Ace American Insurance Company and CRST Expedited, Inc.'s Responses to Interrogatories and Request for Production of Documents* in the above referenced matter.

As of today's date, our office has not received any response regarding the *Interrogatories and Request for Production of Documents* we previously forwarded to your clients, Gilbert Dugas and Rachael Dugas on December 7, 2017. Moreover, we have requested dates that Plaintiffs are available to be deposed on several occasions, but have not obtained a response. Accordingly, we are scheduling a telephone discovery conference pursuant to Rule 10.1 to be initiated by our office on **Wednesday, January 31, 2018 at 3:00 p.m.**

If this date and time is not convenient for you, please contact our office immediately, and we will select another mutually convenient date and time. Should you choose not to participate in the 10.1 conference, we will be left with no other option but to file a Motion to Compel Discovery and Depositions.

Lastly, it is my understanding that Mr. Strauss has not been served, to date. Please contact me once you have received the green card from Mr. Strauss and we will file a timely Answer.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld



Jerome H. Moroux
January 24, 2018
Page 2 of 2

RFSA/dpw
Encl.

cc: John Wolff, III
Sean Rabalais

Renee Smith Auld

From: Renee Smith Auld
Sent: Monday, January 8, 2018 1:48 PM
To: 'Sean P Rabalais'; 'jerome@broussard-david.com'
Cc: 'Chad Sullivan'; 'Tori Bowling'; 'Richard Wolff'; 'Caryn Schoeffler'; 'natalie@broussard-david.com'; Denise Wade; 'John Wolff'
Subject: RE: Gilbert Dugas v. Ace American Ins. Co., et al / Docket No. 85,926-A / 16th Judicial District Court / Our File No.: 40.1728926

Sean:

I am in the process of requesting it.

Jerome:

Could you please contact the plaintiffs and advise us of dates they are available to be deposed?

From: Sean P Rabalais [mailto:SEAN_P_RABALAIS@progressive.com]
Sent: Monday, January 8, 2018 1:40 PM
To: Renee Smith Auld <rsmithauld@degan.com>; John Wolff <jwolff@keoghcox.com>
Cc: Chad Sullivan <csullivan@keoghcox.com>; Tori Bowling <tbowling@keoghcox.com>; Richard Wolff <rwolff@keoghcox.com>; Caryn Schoeffler <caryn@keoghcox.com>; jerome@broussard-david.com; natalie@broussard-david.com; Denise Wade <dwade@degan.com>
Subject: RE: Gilbert Dugas v. Ace American Ins. Co., et al / Docket No. 85,926-A / 16th Judicial District Court / Our File No.: 40.1728926

Renee,
Greetings. I will update my parties screen to add you.

Can you please email me the applicable Ace American declarations sheet?

Kindly,
Sean Rabalais
Attorney for Progressive as UM/UIM carrier

From: Renee Smith Auld [mailto:rsmithauld@degan.com]
Sent: Monday, January 08, 2018 1:30 PM
To: John Wolff <jwolff@keoghcox.com>; Sean P Rabalais <SEAN_P_RABALAIS@progressive.com>
Cc: Chad Sullivan <csullivan@keoghcox.com>; Tori Bowling <tbowling@keoghcox.com>; Richard Wolff <rwolff@keoghcox.com>; Caryn Schoeffler <caryn@keoghcox.com>; jerome@broussard-david.com; natalie@broussard-david.com; Denise Wade <dwade@degan.com>
Subject: RE: Gilbert Dugas v. Ace American Ins. Co., et al / Docket No. 85,926-A / 16th Judicial District Court / Our File No.: 40.1728926

Dear John and Sean:



Degan, Blanchard & Nash represent CSRT Expedited, ACE American Insurance Company (as the insurer for CSRT), and Mark Strauss in the matter. We have attached the Answer and Request for Notice that we have filed. To date, Mr. Strauss has not been served.

We will forward the remaining correspondence and discovery propounded to the plaintiff to you in another email.

Please also forward any pleadings, discovery, and correspondence you have prepared in connection to this matter.

Thank you.

Renee F. Smith Auld
Of Counsel
Degan, Blanchard & Nash
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333 ext. 289
Facsimile: (504) 529-3337
Email: rsmithauld@degan.com
Website: www.degan.com



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From: Donna Whittington [<mailto:donnaw@keoghcox.com>]

Sent: Monday, January 8, 2018 11:38 AM

To: jerome@broussard-david.com; natalie@broussard-david.com; rsmithauld@degan.com; dwade@degan.com

Cc: John Wolff <jwolff@keoghcox.com>; Chad Sullivan <csullivan@keoghcox.com>; Tori Bowling

<tbowling@keoghcox.com>; Richard Wolff <rwolff@keoghcox.com>; Caryn Schoeffler <caryn@keoghcox.com>

Subject: Gilbert Dugas v. Ace American Ins. Co., et al / Docket No. 85,926-A / 16th Judicial District Court / Our File No.: 40.1728926

Sent via email only; no hard copy to follow. Reply to ALL and include John Wolff on all emails. Please direct all communication on this file directly to John Wolff.

Counselors,

Please see attached correspondence from John Wolff, dated 1/8/18. Additionally, please note the following counsel and paralegal to be copied on all emails to us regarding this matter:

John P. Wolff, III, Esq. (lead counsel) – jwolff@keoghcox.com

Chad A. Sullivan, Esq. – csullivan@keoghcox.com
Tori S. Bowling, Esq. – tbowling@keoghcox.com
Richard W. Wolff, Esq. – rwolff@keoghcox.com
and Caryn Schoeffler (paralegal) – caryn@keoghcox.com

Thank you.

Donna Whittington
Legal Assistant to John P. Wolff III

Keogh, Cox & Wilson, Ltd.
701 Main Street, Baton Rouge, LA 70802
P.O. Box 1151, Baton Rouge, LA 70821
P 225 383 3796
F 225 343 9612
donnaw@keoghcox.com

**KEOGH
COX**

Please note that this communication is meant solely for the person or group to whom it is addressed. It may contain legally privileged and/or confidential information. If you have received this email message in error, please notify me immediately by return email, refrain from forwarding it to any other person or organization, and delete the original.

Renee Smith Auld

From: Renee Smith Auld
Sent: Thursday, January 18, 2018 12:04 PM
To: 'Natalie Theriot'
Cc: 'jerome@broussard-david.com'; 'Sean P Rabalais'; 'jwolff@keoghcox.com'
Subject: FW: Gilbert Dugas and Rachael Dugas v. CRST, et al.
Attachments: ACE policy for CRST (Part 1) (00262849xAFF14).pdf; ACE policy for CRST (Part 2) (00262848xAFF14).pdf

Please try opening this. It is a scanned version of the policy.

Also, can you please provide dates that the Plaintiffs are available to be deposed?

Thank you.

From: Natalie Theriot [mailto:Natalie@broussard-david.com]
Sent: Thursday, January 18, 2018 11:20 AM
To: Renee Smith Auld <rsmithauld@degan.com>
Cc: Jerome Moroux <jerome@broussard-david.com>
Subject: RE: Gilbert Dugas and Rachael Dugas v. CRST, et al.
Importance: High

Ms. Auld,

Can you provide the document password for the policy? I am trying to combine it with the other documents you provided and it is requiring a password. Thanks!

Thank you,

Natalie Theriot
Paralegal to Jerome H. Moroux
BROUSSARD & DAVID, LLC
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502
337-233-2323 - Phone
337-233-2353 - Fax
natalie@broussard-david.com

From: Renee Smith Auld [mailto:rsmithauld@degan.com]
Sent: Tuesday, January 16, 2018 12:09 PM
To: Sean P Rabalais <SEAN_P_RABALAIS@progressive.com>; jwolff@keoghcox.com
Cc: Jerome Moroux <jerome@broussard-david.com>; Natalie Theriot <Natalie@broussard-david.com>; Denise Wade <dwade@degan.com>
Subject: RE: Gilbert Dugas and Rachael Dugas v. CRST, et al.



Sean:

Thank you for your materials. I received the ACE dec page and ACE policy late last week. See attached.

Renee F. Smith Auld
Of Counsel
Degan, Blanchard & Nash
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333 ext. 289
Facsimile: (504) 529-3337
Email: rsmithauld@degan.com
Website: www.degan.com



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From: Sean P Rabalais [mailto:SEAN_P_RABALAIS@progressive.com]
Sent: Tuesday, January 16, 2018 11:59 AM
To: Renee Smith Auld <rsmithauld@degan.com>; jwolff@keoghcox.com
Cc: jerome@broussard-david.com; Natalie@broussard-david.com; Denise Wade <dwade@degan.com>
Subject: RE: Gilbert Dugas and Rachael Dugas v. CRST, et al.

Renee,
Greetings. Attached is my client Progressive (as UM/UIM carrier)'s Answer, Discovery to plaintiff and applicable Progressive declarations sheet. Before you asked me for all of the below materials, I requested (on January 8th) that you forward the applicable Ace American Insurance Company declarations sheet. I see where you advised that on January 8th that you requested it. I don't see where I have received that from you. Please forward that to me.

Kindly,
Sean Rabalais
Attorney for Progressive

From: Renee Smith Auld [<mailto:rsmithauld@degan.com>]
Sent: Tuesday, January 16, 2018 11:15 AM
To: jwolff@keoghcox.com; Sean P Rabalais <SEAN_P_RABALAIS@progressive.com>
Cc: jerome@broussard-david.com; Natalie@broussard-david.com; Denise Wade <dwade@degan.com>
Subject: Gilbert Dugas and Rachael Dugas v. CRST, et al.

Dear John and Sean:

I recently requested that you send to me all of your pleadings and discovery that you have prepared to date in the case. While I know it may take a few days to provide me with all of your discoverable file materials, please forward your **Answer** to me via email as soon as possible. (Please also let me know if you have not filed it yet.)

I plan to speak with Jerome later today about this matter, and wish to open dates the plaintiffs are available to be deposed then. I will share possible dates of their depositions as soon as I obtain them.

Renee F. Smith Auld
Of Counsel
Degan, Blanchard & Nash
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333 ext. 289
Facsimile: (504) 529-3337
Email: rsmithauld@degan.com
Website: www.degan.com



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Renee Smith Auld

From: Renee Smith Auld
Sent: Monday, January 8, 2018 2:01 PM
To: 'jerome@broussard-david.com'
Cc: 'natalie@broussard-david.com'
Subject: Gilbert Dugas v. ACE, CSRT, et al.

Jerome:

I should have ACE and CSRT's discovery to you by the end of the week.

Please let us know when the plaintiff's are available to be deposed.

Renee F. Smith Auld
Of Counsel
Degan, Blanchard & Nash
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333 ext. 289
Facsimile: (504) 529-3337
Email: rsmithauld@degan.com
Website: www.degan.com



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DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

February 1, 2018

VIA U.S. MAIL AND

EMAIL: jerome@broussard-david.com

Jerome H. Moroux
557 Jefferson Street
P.O. Box 3524
Lafayette, LA 70502-3524

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Jerome:

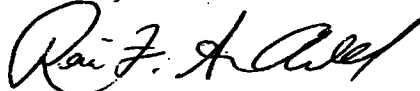
As you recall, I have previously set a Rule 10.1 Conference on January 16, 2018 and January 31, 2018 to discuss when Defendants can expect to receive your discovery responses and when the Plaintiffs are available to be deposed. In the letters I sent to you on January 11, 2018 and January 24, 2018 to schedule the conferences, I asked that you would contact me ahead of time if you were not available for the 10.1 conferences.

Please contact me by the close of business on Friday, February 2, 2018 so we can resolve your clients' outstanding discovery and the scheduling of the Plaintiffs' depositions. If I do not hear from you by then, we will be left with no other option but to file a Motion to Compel Discovery and Depositions.

Thank you for your assistance with this matter.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw

cc: Natalie Broussard (via email : natalie@broussard-david.com)

{00265993.DOC;1}



FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 2.8.18

DESCRIPTION OF TRANSMISSION: motion to compel w/3 services

FILED ON BEHALF OF: Ace American Ins

PERSON SIGNING PLEADING: R. Auld

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 2.8.18

Amount due: \$560.00 ***this is updated from last fax, not all pages received and filed in the \$140.00

[FILE]

2018 FEB 12 AM 9:46

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CITATION RULE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

GILBERT DUGAS AND RACHEL DUGAS, PLAINTIFFS
THROUGH COUNSEL OF RECORD
MR. JEROME H. MOROUX
ATTORNEY AT LAW
557 JEFFERSON ST.
LAFAYETTE, LA 70502

of LAFAYETTE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 27TH day of MARCH, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of FEBRUARY 14, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 15TH day of FEBRUARY, 2018.

Kristie Prejean

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:

RENEE F. SMITH

ATTORNEY FOR ACE AMERICAN INS. CO. AND CRST EXPEDITED, INC.

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

TO: Sheriff _____ FROM: Becky P. Patin

Lafayette Parish _____ Clerk of Court, St. Martin Parish

P. O. Box 3508 _____ P. O. Box 308, St. Martinville, LA 70582

Lafayette, LA 70502-3508 _____ Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. 85926-A PROBATE NO. _____

GILBERT DUGAS, ET AL _____

VS.

ACE AMERICAN INS. CO., ET AL _____

I AM ENCLOSING A CITATION RULE ALONG WITH A TRUE COPY OF MOTION TO COMPEL AND ETC. FOR SERVICE ON GILBERT DUGAS AND RACHEL DUGAS THROUGH JEROME MOROUX. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice February 15, 2018

Kristie Prejean
Deputy Clerk of Court

CITATION RULE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PILOT TRAVEL CENTERS LLC-STORE #274, DEFENDANT
THROUGH ITS COUNSEL OF RECORD
MR. JOHN WOLFF, III
ATTORNEY AT LAW
701 MAIN ST.
BATON ROUGE, LA 70802

of EAST BATON ROUGE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 27TH day of MARCH, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of FEBRUARY 14, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 15TH day of FEBRUARY, 2018.

Kristie Prejean

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:

RENEE F. SMITH

ATTORNEY FOR ACE AMERICAN INS. CO. AND CRST EXPEDITED, INC.

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PROGRESSIVE SECURITY INSURANCE COMPANY
MR. SEAN P. RABALAIS
ATTORNEY AT LAW
11550 NEWCASTLE AVE., SUITE 200
BATON ROUGE, LA 70816

of EAST BATON ROUGE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 27TH day of MARCH, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of FEBRUARY 14, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 15TH day of FEBRUARY, 2018.

Kristie Prejean

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:

RENEE F. SMITH

ATTORNEY FOR ACE AMERICAN INS. CO. AND CRST EXPEDITED, INC.

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

TO: Sheriff _____ FROM: Becky P. Patin
East Baton Rouge Parish _____ Clerk of Court, St. Martin Parish
P. O. Box 3277 _____ P. O. Box 308, St. Martinville, LA 70582
Baton Rouge, LA 70821-3277 _____ Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. 85926-A PROBATE NO. _____

GILBERT DUGAS, ET AL _____

VS. _____

ACE AMERICAN INS. CO., ET AL _____

I AM ENCLOSING 2 CITATION RULES ALONG WITH 2 TRUE COPIES OF MOTION TO COMPEL AND ETC. FOR SERVICES ON PILOT TRAVELERS CENTER LLC THROUGH JOHN WOLFF, III AND PROGRESSIVE SECURITY INSURANCE COMPANY THROUGH SEAN RABALAIS. I AM ENCLOSING A CHECK IN THE AMOUNT OF \$52.32.

Date of Notice February 15, 2018

Kristie Prejean
Deputy Clerk of Court

NOTICE OF FIXING CASE FOR TRIAL

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

MR. JEROME H MOROUX
ATTORNEY AT LAW
PO BOX 3524
LAFAYETTE, LA 70502

MR. SEAN P. RABALAIS
ATTORNEY AT LAW
11550 NEWCASTLE AVE., SUITE 200
BATON ROUGE, LA 70816

MS. RENEE F. SMITH AULD
ATTORNEY AT LAW
400 POYDRAS ST., SUITE 2600
NEW ORLEANS, LA 70130

MR. JOHN P. WOLFF, III
ATTORNEY AT LAW
P.O. BOX 1151
BATON ROUGE, LA 70821

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the DEFENDANTS' MOTION TO COMPEL, PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY on MARCH 27, 2018, at 10:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge ANTHONY THIBODEAUX as a 13TH fixing.

Uniform Rules requires that you file for all exceptions, motions and motion for summary judgments a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 15TH day of FEBRUARY, 2018.

BECKY P. PATIN
Clerk of Court
St. Martin Parish

BY:

Kristie Prejean

Deputy Clerk of Court

CITATION RULE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

PROGRESSIVE SECURITY INSURANCE COMPANY
MR. SEAN P. RABALAIS
ATTORNEY AT LAW
11550 NEWCASTLE AVE., SUITE 200
BATON ROUGE, LA 70816

of EAST BATON ROUGE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 27TH day of MARCH, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of FEBRUARY 14, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 15TH day of FEBRUARY, 2018.

Kristie Prejean

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:

RENEE F. SMITH

ATTORNEY FOR ACE AMERICAN INS. CO. AND CRST EXPEDITED, INC.

Service Information

Received on the 19 day of Feb, 20 18 and on the 20 day of Feb, 20 18 served the above named party as follows:

Personal Service on the party herein named Sean Rabalais
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of E.B.R. this 20 day of Feb, 20 18.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: K. Alexander-Horn

Deputy Sheriff

RECEIVED AND FILED

FEB 27 2018

Deputy Clerk of Court
St. Martin Parish, LA

RECEIVED

FEB 19 2018

EBR SHERIFF'S OFFICE

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**RENEE F. AULD
DEGAN, BLANCHARD & NASH
400 POYDRAS ST., STE. 2600
NEW ORLEANS, LA 70130**

Date of Service: Tuesday, February 20, 2018

Number of Service: 1

Personal/Domiciliary: PERSONAL ON PROGRESSIVE SECURITY INSURANCE COMPANY ATTY SEAN P. RABALAIS

Issued by the Clerk of Court on the 27TH day of FEBRUARY, 2018.

Marcelle Dinger

Deputy Clerk of Court

**Pleading Served
CITATION RULE**

CITATION RULE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:
PILOT TRAVEL CENTERS LLC-STORE #274, DEFENDANT
THROUGH ITS COUNSEL OF RECORD
MR. JOHN WOLFF, III
ATTORNEY AT LAW
701 MAIN ST.
BATON ROUGE, LA 70802

of EAST BATON ROUGE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 27TH day of MARCH, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of FEBRUARY 14, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 15TH day of FEBRUARY, 2018.

Tendering a copy of this document to

Brittany

FEB 20 2018

Kristie Prejean

Deputy Clerk of Court, St. Martin Parish, LA.

Dy. S. Derosin

REQUESTED BY: Deputy Sheriff, Parish of East Baton Rouge, Louisiana

RENEE F. SMITH

ATTORNEY FOR ACE AMERICAN INS. CO. AND CRST EXPEDITED, INC.

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

RECEIVED AND FILED

FEB 27 2018

Deputy Clerk [RETURN]
St. Martin Parish, LA

RECEIVED

FEB 19 2018

EBR SHERIFF'S OFFICE

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

RENEE F. AULD
DEGAN, BLANCHARD & NASH
400 POYDRAS ST., STE. 2600
NEW ORLEANS, LA 70130

Date of Service: Tuesday, February 20, 2018

Number of Service: 1

Personal/Domiciliary: PERSONAL ON PILOT TRAVEL CENTER LLC STORE # 274 DEFENDANT
THROUGH ATTY JOHN WOLFF, III (BRITTANY)

Issued by the Clerk of Court on the 27TH day of FEBRUARY, 2018.

Maucelle Dinger

Deputy Clerk of Court

Pleading Served
CITATION RULE

DUGAS, GILBERT - ET AL



Versus

ACE AMERICAN INSURANCE COMPANY - ET AL

Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

GILBERT DUGAS AND RACHEL DUGAS, PLAINTIFFS
 THROUGH COUNSEL OF RECORD
 MR. JEROME H. MOROUX
 ATTORNEY AT LAW
 557 JEFFERSON ST.
 LAFAYETTE, LA 70502

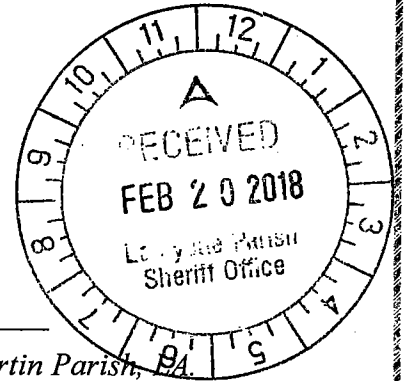
of LAFAYETTE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 27TH day of MARCH, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of FEBRUARY 14, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 15TH day of FEBRUARY, 2018.

Kristie Prejean

Deputy Clerk of Court, St. Martin Parish, LA.



REQUESTED BY:

RENEE F. SMITH

ATTORNEY FOR ACE AMERICAN INS. CO. AND CRST EXPEDITED, INC.

Service Information

Received on the 20 day of FEBRUARY, 20 18 and on the 20 day of FEBRUARY, 20 18 served the above named party as follows:

Personal Service on the party herein named AMBER 1542 hrs
 Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20 _____.

Service \$ 20Mileage \$ 15Total \$ 35By: DBatin 10088

Deputy Sheriff

RECEIVED AND FILE

FEB 20 2018

Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

RENEE F. AULD

DEGAN, BLANCHARD & NASH

400 POYDRAS ST., STE. 2600

NEW ORLEANS, LA 70130

Date of Service: Tuesday, February 20, 2018

Number of Service: 1

**Personal/Domiciliary: PERSONAL ON GILBERT DUGAS AND RACHEL DUGAS, THROUGH ATTY
JEROME H. MOROUX**

Issued by the Clerk of Court on the 28TH day of FEBRUARY, 2018.

Macelle Dingo

Deputy Clerk of Court

**Pleading Served
CITATION RULE**

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

March 19, 2017

VIA FACSIMILE (337) 394-2240

The Honorable Becky P. Patin
Clerk of Court
414 St. Martin Street
P. O. Box 308
St. Martinville, Louisiana 70582

Re: Gilbert Dugas v. Ace American Insurance Company, et al
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

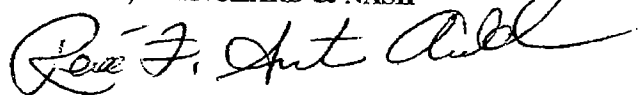
Dear Clerk Patin:

Please find attached for fax filing *Defendants' Motion to Continue and Re-Set Hearing with Date on Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony with Date* in connection with the above referenced matter. After filing each into the record, please forward to us via fax the amount due for filing fees. We will forward the originals and all fees to you within the next seven days, pursuant to L.S.A.-R.S. 13:850.

Thank you for your assistance with this request. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw
Attachments

cc: Jerome H. Moroux (Via US Mail)
John Wolff, III (Via US Mail and email jwolff@keoghcox.com)
Sean P. Rabalais (Via US Mail and email Sean_P_Rabalais@progressive.com)
The Honorable Anthony Thibodeaux (via facsimile (866) 831-0418)

FILE

DEGAN, BLANCHARD & NASH

400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337

F A C S I M I L E C O V E R S H E E T

TO:
Clerk of Court

FAX NO.: (337) 394-2240

16th Judicial District Court
Parish of St. Martin

DATE: March 19, 2018

FROM: Denise Wade

REFERENCE: 353-10961

PAGES (Including Cover Sheet)

FACSIMILE MESSAGE:

Please file the attached for fax filing.

Please note that there is one service for Lafayette Parish and
1 service in Orleans Parish and 1 service in East Baton Rouge Parish.

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for a return of the documents.

If there is any problem receiving this message, please call (504) 529-3333. Facsimile sent by Denise Wade.

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

**DEFENDANTS' MOTION TO CONTINUE AND
RE-SET HEARING WITH DATE ON MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY
WITH DATE**

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), which move this Honorable Court for an Order to continue and re-set the Motion to Compel the Plaintiffs' Discovery Responses and Depositions, which is currently scheduled for March 27, 2018 and to reschedule it for May 11, 2018.

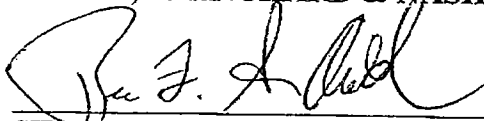
Plaintiffs, Gilbert Dugas ("Mr. Dugas") and Rachael Dugas ("Mrs. Dugas") provided Ace American and CRST Expedited with responses to their discovery on March 6, 2018, but the Plaintiffs' answers were insufficient, nonresponsive, and evasive. Hence, the Plaintiffs' responses do not provide Defendants with enough information to be able to adequately prepare to depose the Plaintiffs.

WHEREFORE, Defendants, Ace American Insurance Company and CSRT Expedited, Inc., pray for an Order compelling Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond fully and completely by proving responsive, non-evasive, and accurate answers and without objection to all outstanding discovery. Moreover, Defendants pray that Plaintiffs be deposed within a month, and that Plaintiffs pay for all expenses and attorney's fees incurred in connection with this motion as provided by Louisiana Code of Civil Procedure Article 1469. Defendants pray that Plaintiffs'

claims be dismissed, if they fail to comply with the court's Order. Further, Defendants pray and that the hearing scheduled for March 27, 2018 be reset for the court's next available rule date.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com

*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 19 th day of March, 2018.


RENÉE F. SMITH AULD

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY

FILED: _____

RULE TO SHOW CAUSE

Considering the foregoing Motion to Continue and Re-Set Hearing With Date on Motion to Compel Plaintiffs' Discovery Responses and Disposition Testimony filed by Defendants, Ace American Insurance Company and CSRT Expedited;

IT IS ORDERED that Plaintiffs, Gilbert Dugas and Rachael Dugas, show cause on the 11th day of May, 2018 at _____ a.m./p.m. or _____ day of _____, 2018 at _____ a.m./p.m. why they should not be compelled to provide responsive, non-evasive, and accurate answers to the Interrogatories and Request for Production of Documents of Defendants, Ace American Insurance Company and CSRT Expedited, previously propounded, why they should not be compelled to be deposed with a month, and why sanctions of expenses and attorney's fees for failure to comply with said discovery requests should not be awarded.

St. Martinsville, Louisiana, this _____ day of _____, 2018.

JUDGE

PLEASE SERVE:

Gilbert Dugas and Rachel Dugas, Plaintiffs
Through counsel of record
Jerome H. Moroux
557 Jefferson Street
Lafayette, Louisiana 70502-3524

Please also see next page for additional service directions.

Pilot Travel Centers, LLC – Store #274, Defendant
Through its new counsel of record
Thomas J. Cortazzo
Baldwin, Haspel, Burke & Mayer, LLC
1100 Poydras St., Suite 3600
New Orleans, LA 70163

Progressive Security Insurance Company, Defendant
Through its counsel of record
Sean P. Rabalais
Casler, Bordelon, Lawler and Gelder
11550 Newcastle Ave., Suite 200
Baton Rouge Louisiana 70816

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY

FILED: _____
DEPUTY CLERK

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION
TO CONTINUE AND RE-SET HEARING WITH DATE ON MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

MAY IT PLEASE THE COURT:

The Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), file this Memorandum in Support of its Motion to Continue and Re-Set Hearing With Date on its Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony because Defendants need to have a better understanding of the allegations of Plaintiffs, Gilbert Dugas ("Mr. Dugas") and Rachael Dugas ("Mrs. Dugas"), so that Defendants can be in a position to defend this matter.

CURRENT STATUS

Defendants wish to continue the Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony currently scheduled for Tuesday, March 27, 2018 and request the hearing be rescheduled for Friday, May 11, 2018 at 10:00 a.m. or until the court's next available court date.

Although Plaintiffs provided Ace American and CRST Expedited with responses to their discovery on March 6, 2018, the Plaintiffs' answers were grossly insufficient, nonresponsive, and evasive. For example, in five of the responses to the 33 interrogatories, Mr. Gilbert responded "See Breaux Bridge Police Department Report" instead of responding to valid and discoverable

questions requesting information about how the accident occurred, where Mr. Gilbert was traveling from and where Mr. Gilbert was going to, and whether he was in the vehicle when the accident occurred.¹ Other questions asked for Mr. Gilbert to describe why the tortfeasor was negligent and which part of the tortfeasor's vehicle came into contact with his vehicle. Instead of providing Defendants with additional information about how the accident occurred—and specifically where he was when the alleged incident occurred—Mr. Gilbert refused to provide Defendants with direct or meaningful answers.

Moreover, in 11 of his responses to Defendants' interrogatories, Mr. Gilbert answered by stating "Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis." Mr. Gilbert also refused to list his anticipated witnesses and exhibits for use at trial and merely responded "This information will be provided in accordance with this Court's Scheduling Order."

Mr. Gilbert also assumes that Defendants have copies of all relevant insurance policies of Plaintiffs. The Gilberts quipped "Defendants are already in possession of the requested information" when Defendants requested copies of the Gilberts' applicable insurance policies. However, as this court is aware, insurance policies are discoverable under Louisiana Code of Procedure Article 1423.²

Similarly, Mrs. Gilbert's discovery responses were just as useless as those provided by Mr. Gilbert. In particular, Mr. Gilbert stated in 10 of her answers that the requested discovery would

¹ Mr. Gilbert responded "Please refer to the Breaux Bridge Police Department Police Report" to the following interrogatories:

INTERROGATORY NO. 2:

Please state the name, address and telephone number of anyone from whom a statement, whether written, oral, recorded or otherwise, has been obtained by you or on your behalf relating, in any way, to the accident alleged in your Petition and the date such statement was taken, the dates and places such statements were taken, who took said statements and those having custody of said statements.

INTERROGATORY NO. 3:

Please describe in detailed narrative form the incident set forth in the Petition, including how the incident occurred, where you were traveling from, where you were en route to, and the facts leading up to the incident.

INTERROGATORY NO. 14:

Please identify all passengers in your vehicle at the time of the accident, if any, their current residence address, telephone number, length of time known, and reason for their presence in your vehicle on October 31, 2016.

INTERROGATORY NO. 20:

Please describe the basis for your contentions in paragraph 3 of the Petition that Mark Strauss was negligent and caused an accident.

INTERROGATORY NO. 33:

Please state whether you were inside or outside of your car when your vehicle was struck. Please describe which part of Mark Strauss's came into contact with your vehicle.

² See C.C.P. Art. 1423.

“be provided in accordance with this Court’s Scheduling Order.” Moreover, she simply responded “Not applicable” to inquiries regarding her prior or subsequent injuries or illnesses and treating physicians. Considering Mrs. Gilbert is making a claim for loss of consortium, Defendants are entitled to be provided with a description of any prior and subsequent injuries and medical history, so that Defendants can adequately prepare for Mrs. Gilbert’s deposition. Similarly, Mrs. Gilbert responded “Plaintiff recalls none” to 15 of the 35 interrogatories, even though it is very likely that Mrs. Gilbert had some knowledge of the information requested.

LAW AND ARGUMENT

The Gilberts have failed to provide Defendants with sufficient responses to their discovery to place them on notice of the allegations made against them and the specific nature and severity of their alleged damages. Moreover, while Defendants plan to depose the Plaintiffs in the near future, the Plaintiffs’ responses do not provide Defendants with enough information to be able to adequately prepare for the depositions of the Gilberts. The Louisiana Code of Civil Procedure allows broad discovery and states that:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.³

Louisiana law is well established that our discovery statutes are to be liberally and broadly construed to achieve their intended objectives. Further, the basic objectives of the discovery process are to afford all parties fair opportunity to obtain facts pertinent to litigation, to discover true facts and compel disclosure of these facts wherever they may be found, to assist litigants in preparing their cases for trial, to narrow and clarify basic issues between parties, and to facilitate and expedite legal process by encouraging settlement or abandonment of less than meritorious claims.⁴

³ C.C.P. Article 1422.

⁴ *Hodges v. Southern Farm Bureau Cas. Ins. Co.*, 433 So.2d 125, 129 (La. 1983).

Considering Mr. and Mrs. Gilbert have failed to provide Defendants with any meaningful responses to their discovery, Defendants request that their Motion to Compel Discovery and Depositions currently scheduled for Tuesday, March 27, 2018 be re-set to be heard on the next available rule date so that the Plaintiffs can have additional time to cure the defects of their insufficient, evasive, and nonresponsive discovery responses.

Based upon the foregoing, Defendants wish the depositions of the Plaintiffs remain as a component of the rescheduled Motion to Compel.

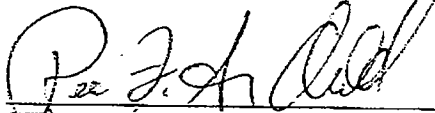
In correspondence to counsel for Plaintiffs, Defendants have requested that Mr. Gilbert provide responsive answers to interrogatories 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 19, 20, 22, 23, 24, 26, 29, and 32 and that Mrs. Gilbert provide responsive answers to interrogatories 3, 4, 5, 6, 7, 8, 10, 12, 13, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 36.

CONCLUSION

Based upon the foregoing, Defendants wish to continue the Motion to Compel Discovery Responses and Deposition Testimony currently rescheduled for March 27, 2017 to May 11, 2018. Defendants wish to resolve the motion to compel to allow the Plaintiffs additional time to provide the Defendants with adequate responses so that this issue could be cured without the need to proceed before this Honorable Court.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH

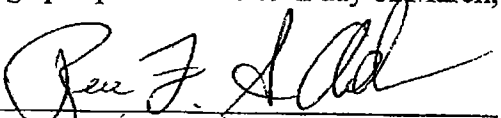


SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com

*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 19th day of March, 2018.



RENEE F. SMITH AULD

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 3.20.18

DESCRIPTION OF TRANSMISSION: MOTION TO CONT. & RE-SET

FILED ON BEHALF OF: DEF

PERSON SIGNING PLEADING: R. AULD

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BY:

A handwritten signature in dark ink, appearing to read "Eugene Auld", is written over a horizontal line.

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 3.20.18

Amount due: \$535.00

[FILE]

Transmission Report

Date/Time
Local ID 1

03-20-2018
3373942240

12:03:20 p.m.

Transmit Header Text
Local Name 1

St Martin Parish Clerk of Court
Received SMP COC


This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085916

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 3-20-18

DESCRIPTION OF TRANSMISSION: MOTION TO CONT. & RE-SET

FILED ON BEHALF OF: DEF

PERSON SIGNING PLEADING: R. AULD

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

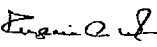
The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BY: 

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 3-20-18

Amount due: \$535.00

[FILE]

Total Pages Scanned : 1

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No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
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Abbreviations:

HS: Host send

PL: Polled local

MP: Mailbox print

CP: Completed

TS: Terminated by system

HR: Host receive

PR: Polled remote

RP: Report

FA: Fail

G3: Group 3

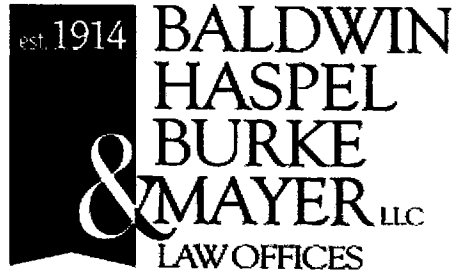
VS: Waiting send

MS: Mailbox save

FF: Fax Forward

TU: Terminated by user

EC: Error Correct



FILE

THOMAS J. CORTAZZO
*Also an American Arbitration Association ®
Certified Mediator

Writer's Direct Information
Direct Fax: 504.293.5613
tcortazzo@bhbmlaw.com

March 20, 2018

Becky P. Patin, Clerk
16th Judicial District Court
Parish of St. Martin
P.O. Box 308
St. Martinville, LA 70582-0308

Re: *Gilbert Dugas v. Ace American Insurance Company, et al.*
16th JDC, No. 85926, Division A
Our File No. 016230-012 / 68230

Dear Ms. Patin:

I enclose an original and two copies of a Motion to Substitute Counsel of Record on behalf of defendants Pilot Travel Centers LLC and Ace American Insurance Company. Would you please present the Motion to the Judge for signing and return a date-stamped and conformed copy to me and to John P. Wolff, III, in the envelopes provided. I also enclose this firm's check payable to the Clerk in the amount of \$100.00 in payment of the filing fee.

Thank you for your assistance.

Sincerely,



THOMAS J. CORTAZZO

TJC/blb
Enclosures

c: John P. Wolff, III (via e-mail: jwolff@keoghcox.com; w/encl.)
Mr. Jerome H. Moroux (via e-mail: jerome@broussard-david.com; w/encl.)
Mr. Sean P. Rabalais (via e-mail: Sean_P_Rabalais@Progressive.com; w/encl.)
Ms. Renee F. Smith Auld (via e-mail: rsmithauld@degan.com; w/encl.)

RECEIVED AND FILED

2018 MAR 22 AM 9:09

{B1376566.1}



1100 POYDRAS STREET – SUITE 3600 NEW ORLEANS, LA 70163
PHONE 504.569.2900 FAX 504.569.2099 www.bhbmlaw.com

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. 85926 DIVISION A

**ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY**

**ST. MARTIN PARISH
STATE OF LOUISIANA**

MOTION TO SUBSTITUTE COUNSEL OF RECORD

NOW INTO COURT come defendants Pilot Travel Centers LLC (referred to in the Petition as Pilot Travel Centers LLC – Store #274) and Ace American Insurance Company, as Insurer for Pilot Travel Centers LLC, and move this Court for an Order substituting Thomas J. Cortazzo, Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC, in place of John P. Wolff, III, Chad A. Sullivan, Tori S. Bowling, Richard W. Wolff and the law firm of Keogh, Cox & Wilson, Ltd., as counsel of record for defendants Pilot Travel Centers LLC and Ace American Insurance Company, as insurer of Pilot Travel Centers LLC, in this action.

RESPECTFULLY SUBMITTED:



**JOHN P. WOLFF, III (#14504)
CHAD A. SULLIVAN (#27657)
TORI S. BOWLING (#30058)
RICHARD W. WOLFF (#34844)
KEOGH, COX & WILSON, LTD.
701 Main Street (70802)
P.O. Box 1151
Baton Rouge, LA 70821
Telephone: (225) 383-3796
Facsimile: (225) 343-9612
Email: jwolff@keoghcox.com
csullivan@keoghcox.com
tbowling@keoghcox.com
rwolff@keoghcox.com**



THOMAS J. CORTAZZO, T.A. (#18174)
ALEX S. AUGHTRY (#37019)
BALDWIN HASPEL BURKE & MAYER, LLC
Energy Centre – Suite 3600
1100 Poydras Street
New Orleans, LA 70163
Telephone: (504) 569-2900
Facsimile: (504) 569-2099

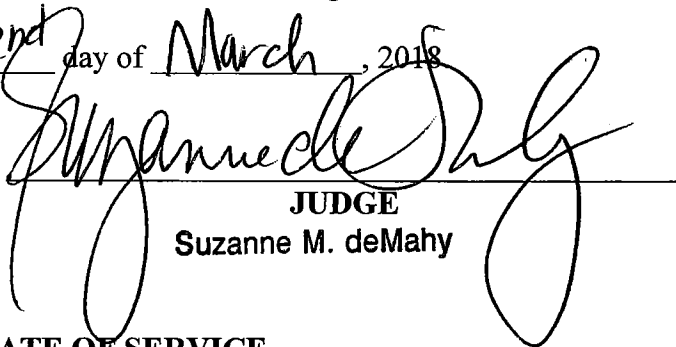
Attorneys for defendants Pilot Travel Centers
LLC and Ace American Insurance Company, as
insurer of Pilot Travel Centers LLC

ORDER

Considering the foregoing Motion to Substitute Counsel of Record,

IT IS ORDERED that the Motion is granted and Thomas J. Cortazzo, Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC, are substituted and enrolled as counsel of record for defendants Pilot Travel Centers LLC and Ace American Insurance Company, as insurer of Pilot Travel Centers LLC, in place of John P. Wolff, III, Chad A. Sullivan, Tori S. Bowling, Richard W. Wolff and the law firm of Keogh, Cox & Wilson, Ltd.

St. Martinville, Louisiana, this 22nd day of March, 2018

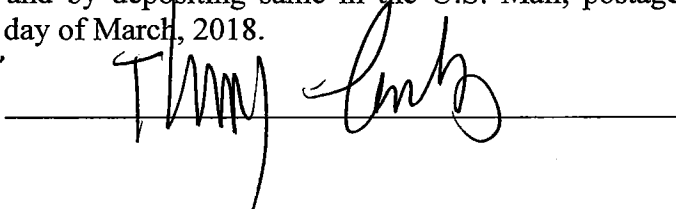


JUDGE
Suzanne M. deMahy

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on all parties through their counsel of record via e-mail and by depositing same in the U.S. Mail, postage prepaid and properly addressed, this 19th day of March, 2018.

20th



RECEIVED AND FILED

2018 MAR 22 AM 9:09

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE

GILBERT DUGAS

STATE OF LOUISIANA

Vs. NO. 85926-A

16th JUDICIAL DISTRICT COURT

ACE AMERICAN INSURANCE COMPANY,
ET AL

PARISH OF ST. MARTIN

THIS IS TO CERTIFY that on MARCH 26, 2018, Notice of the signing of the MOTION TO SUBSTITUTE COUNSEL OF RECORD AND ORDER in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on MARCH 26, 2018.

CLERK OF COURT

BY:


DEPUTY CLERK OF COURT

MR. JEROME H. MOROUX
ATTORNEY AT LAW
P.O. BOX 3524
LAFAYETTE, LA 70502

MR. SEAN P. RABALAIS
ATTORNEY AT LAW
11550 NEWCASTLE AVENUE, SUITE
200
BATON ROUGE, LA 70816

MS. RENEE F. SMITH AULD
ATTORNEY AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130

MR. JOHN P. WOLFF, III
MR. CHAD A. SULLIVAN
MS. TORI S. BOWLING
MR. RICHARD W. WOLFF
ATTORNEYS AT LAW
P.O. BOX 1151
BATON ROUGE, LA 70821

MR. THOMAS J. CORTAZZO, T.A.
MR. ALEX S. AUGHTRY
ATTORNEYS AT LAW
ENERGY CENTRE-SUITE 3600
1100 POYDRAS STREET
NEW ORLEANS, LA 70163

CASLER, BORDELON, LAWLER & GELDER

Not a Partnership, Not a Corporation

Attorneys at Law

4000 S. Sherwood Forest Boulevard, Suite 303

Baton Rouge, LA 70816

Fax: (866) 516-8616

Sean P. Rabalais, Esq.

Direct Dial: (337) 347-0096

Email: Sean_P_Rabalais@Progressive.com

Legal Assistant: Kandice Dimaio-Moore

Direct Dial: (225) 663-4042

Email: kdimaiol@progressive.com

SALARIED EMPLOYEES OF
PROGRESSIVE CASUALTY
INSURANCE COMPANY

March 22, 2018

Clerk of Court,
16th Judicial District Court for the Parish of St. Martin
415 S. Main Street
P.O. Box 308
St. Martinville, LA 70582-0308

FILE

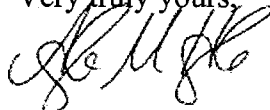
RE: Gilbert Dugas v. Ace American Insurance Company, et al
16th Judicial District Court for St. Martin Parish
No.: 85926 - Division "A"
Matter/Claim No.: 165956988

Dear Sir or Madam:

Enclosed please find a *Notice of Change of Address* for filing in relation to the above referenced matter. Please file same and return a conformed copy to my office in the stamped envelope provided herein. It is my understanding that there are enough funds on the docket to cover the cost of this request. Please contact my office if additional funds are needed.

I thank you in advance for your assistance with this matter.

Very truly yours,



Angelina Hingle for Sean P. Rabalais

/AMH

Enclosures

cc: Jerome H. Moroux, Esq. (w/enclosure)
John P. Wolff, Esq. (w/enclosure)
Renee F. Smith Auld, Esq. (w/enclosure)

RECEIVED AND FILED

2018 MAR 26 AM 9:45

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO. 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

FILED: _____

NOTICE OF CHANGE OF ADDRESS

TO: ALL PARTIES

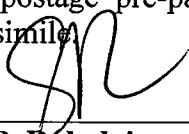
PLEASE NOTE the change of address for **Sean P. Rabalais**:

**Casler, Bordelon, Lawler & Gelder
4000 S. Sherwood Forest Boulevard, Suite 303
Baton Rouge, LA 70816**

This change of address is effective immediately.

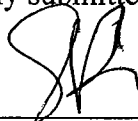
CERTIFICATE OF SERVICE

I hereby certify that I have on this 21 day of March, 2018, served a copy of the foregoing on counsel for all parties to this proceeding by mailing a copy of same by electronic mail, U. S. Mail, postage pre-paid and/or transmitting via facsimile.



Sean P. Rabalais

Respectfully submitted,



SEAN P. RABALAIS (LSBA # 28410)
CASLER, BORDELON, LAWLER & GELDER
4000 S. Sherwood Forest Boulevard, Suite 303
Baton Rouge, LA 70816
Direct Dial: (337) 347-0096
Fax: (866) 516-8616
Attorney for defendant, Progressive Security
Insurance Company

RECEIVED AND FILED

2018 MAR 26 AM 9:45


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

March 22, 2017

The Honorable Becky P. Patin
Clerk of Court
414 St. Martin Street
P. O. Box 308
St. Martinville, Louisiana 70582

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961


Dear Clerk Patin:

Please find enclosed the original and one copy of *Defendants' Motion to Continue and Re-Set Hearing with Date on Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony with Date* which we previously fax-filed in connection with the above referenced matter. Once the original pleading has been filed, please return a conformed copy to me using the enclosed self-addressed, stamped envelope. Also enclosed are the Court's fax confirmation page and our firm check in the amount of \$535.00 in satisfaction of the Court's fax and filing fees.

Thank you for your assistance, and please do not hesitate to contact my office should you have any questions regarding this filing.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw
Enclosures

{00298780.DOC;1}

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2018 MAR 26 AM 9:51



DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY**

FILED: _____

DEPUTY CLERK

**DEFENDANTS' MOTION TO CONTINUE AND
RE-SET HEARING WITH DATE ON MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY
WITH DATE**

NOW INTO COURT, through undersigned counsel, come Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), which move this Honorable Court for an Order to continue and re-set the Motion to Compel the Plaintiffs' Discovery Responses and Depositions, which is currently scheduled for March 27, 2018 and to reschedule it for May 11, 2018.

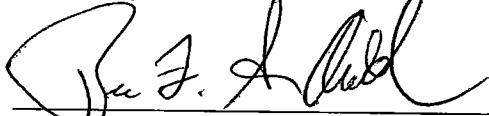
Plaintiffs, Gilbert Dugas ("Mr. Dugas") and Rachael Dugas ("Mrs. Dugas") provided Ace American and CRST Expedited with responses to their discovery on March 6, 2018, but the Plaintiffs' answers were insufficient, nonresponsive, and evasive. Hence, the Plaintiffs' responses do not provide Defendants with enough information to be able to adequately prepare to depose the Plaintiffs.

WHEREFORE, Defendants, Ace American Insurance Company and CSRT Expedited, Inc., pray for an Order compelling Plaintiffs, Gilbert Dugas and Rachael Dugas, to respond fully and completely by proving responsive, non-evasive, and accurate answers and without objection to all outstanding discovery. Moreover, Defendants pray that Plaintiffs be deposed within a month, and that Plaintiffs pay for all expenses and attorney's fees incurred in connection with this motion as provided by Louisiana Code of Civil Procedure Article 1469. Defendants pray that Plaintiffs'

claims be dismissed, if they fail to comply with the court's Order. Further, Defendants pray and that the hearing scheduled for March 27, 2018 be reset for the court's next available rule date.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH



SIDNEY W. DEGAN, III (LSBA #4840)
RENEE F. SMITH AULD (LSBA #23568)

400 Poydras Street, Suite 2600

New Orleans, Louisiana 70130

Telephone: (504) 529-3333

Facsimile: (504) 529-3337

Email: sdegan@degan.com

rsmithauld@degan.com

*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 19th day of March, 2018.


RENEE F. SMITH AULD

RECEIVED AND FILED

2018 MAR 26 AM 9:51


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY

FILED: _____

RULE TO SHOW CAUSE

Considering the foregoing Motion to Continue and Re-Set Hearing With Date on Motion to Compel Plaintiffs' Discovery Responses and Disposition Testimony filed by Defendants, Ace American Insurance Company and CSRT Expedited;

IT IS ORDERED that Plaintiffs, Gilbert Dugas and Rachael Dugas, show cause on the 11th day of May, 2018, at ^{as a first fixing} 10:00 a.m./p.m. or 25th day of June, 2018 at 10:00 ^{as a first fixing} a.m./p.m. why they should not be compelled to provide responsive, non-evasive, and accurate answers to the Interrogatories and Request for Production of Documents of Defendants, Ace American Insurance Company and CSRT Expedited, previously propounded, why they should not be compelled to be deposed with a month, and why sanctions of expenses and attorney's fees for failure to comply with said discovery requests should not be awarded.

St. Martinsville, Louisiana, this 20th day of March, 2018.

JUDGE

PLEASE SERVE:

Suzanne M. deMahy

Gilbert Dugas and Rachel Dugas, Plaintiffs
Through counsel of record
Jerome H. Moroux
557 Jefferson Street
Lafayette, Louisiana 70502-3524

Please also see next page for additional service directions.

RECEIVED AND FILED

2018 MAR 26 AM 9:51

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

Pilot Travel Centers, LLC – Store #274, Defendant
Through its new counsel of record
Thomas J. Cortazzo
Baldwin, Haspel, Burke & Mayer, LLC
1100 Poydras St., Suite 3600
New Orleans, LA 70163

Progressive Security Insurance Company, Defendant
Through its counsel of record
Sean P. Rabalais
Casler, Bordelon, Lawler and Gelder
11550 Newcastle Ave., Suite 200
Baton Rouge Louisiana 70816

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 85926

DIVISION A

GILBERT DUGAS

VERSUS

**ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC-STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY**

FILED: _____

DEPUTY CLERK

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION
TO CONTINUE AND RE-SET HEARING WITH DATE ON MOTION TO COMPEL
PLAINTIFFS' DISCOVERY RESPONSES AND DEPOSITION TESTIMONY**

MAY IT PLEASE THE COURT:

The Defendants, Ace American Insurance Company ("Ace American") and CRST Expedited, Inc. ("CRST Expedited"), file this Memorandum in Support of its Motion to Continue and Re-Set Hearing With Date on its Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony because Defendants need to have a better understanding of the allegations of Plaintiffs, Gilbert Dugas ("Mr. Dugas") and Rachael Dugas ("Mrs. Dugas"), so that Defendants can be in a position to defend this matter.

CURRENT STATUS

Defendants wish to continue the Motion to Compel Plaintiffs' Discovery Responses and Deposition Testimony currently scheduled for Tuesday, March 27, 2018 and request the hearing be rescheduled for Friday, May 11, 2018 at 10:00 a.m. or until the court's next available court date.

Although Plaintiffs provided Ace American and CRST Expedited with responses to their discovery on March 6, 2018, the Plaintiffs' answers were grossly insufficient, nonresponsive, and evasive. For example, in five of the responses to the 33 interrogatories, Mr. Gilbert responded "See Breaux Bridge Police Department Report" instead of responding to valid and discoverable

questions requesting information about how the accident occurred, where Mr. Gilbert was traveling from and where Mr. Gilbert was going to, and whether he was in the vehicle when the accident occurred.¹ Other questions asked for Mr. Gilbert to describe why the tortfeasor was negligent and which part of the tortfeasor's vehicle came into contact with his vehicle. Instead of providing Defendants with additional information about how the accident occurred—and specifically where he was when the alleged incident occurred--Mr. Gilbert refused to provide Defendants with direct or meaningful answers.

Moreover, in 11 of his responses to Defendants' interrogatories, Mr. Gilbert answered by stating "Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis." Mr. Gilbert also refused to list his anticipated witnesses and exhibits for use at trial and merely responded "This information will be provided in accordance with this Court's Scheduling Order."

Mr. Gilbert also assumes that Defendants have copies of all relevant insurance policies of Plaintiffs. The Gilberts quipped "Defendants are already in possession of the requested information" when Defendants requested copies of the Gilberts' applicable insurance policies. However, as this court is aware, insurance policies are discoverable under Louisiana Code of Procedure Article 1423.²

Similarly, Mrs. Gilbert's discovery responses were just as useless as those provided by Mr. Gilbert. In particular, Mr. Gilbert stated in 10 of her answers that the requested discovery would

¹ Mr. Gilbert responded "Please refer to the Breaux Bridge Police Department Police Report" to the following interrogatories:

INTERROGATORY NO. 2:

Please state the name, address and telephone number of anyone from whom a statement, whether written, oral, recorded or otherwise, has been obtained by you or on your behalf relating, in any way, to the accident alleged in your Petition and the date such statement was taken, the dates and places such statements were taken, who took said statements and those having custody of said statements.

INTERROGATORY NO. 3:

Please describe in detailed narrative form the incident set forth in the Petition, including how the incident occurred, where you were traveling from, where you were en route to, and the facts leading up to the incident.

INTERROGATORY NO. 14:

Please identify all passengers in your vehicle at the time of the accident, if any, their current residence address, telephone number, length of time known, and reason for their presence in your vehicle on October 31, 2016.

INTERROGATORY NO. 20:

Please describe the basis for your contentions in paragraph 3 of the Petition that Mark Strauss was negligent and caused an accident.

INTERROGATORY NO. 33:

Please state whether you were inside or outside of your car when your vehicle was struck. Please describe which part of Mark Strauss's came into contact with your vehicle.

² See C.C.P. Art. 1423.

“be provided in accordance with this Court’s Scheduling Order.” Moreover, she simply responded “Not applicable” to inquiries regarding her prior or subsequent injuries or illnesses and treating physicians. Considering Mrs. Gilbert is making a claim for loss of consortium, Defendants are entitled to be provided with a description of any prior and subsequent injuries and medical history, so that Defendants can adequately prepare for Mrs. Gilbert’s deposition. Similarly, Mrs. Gilbert responded “Plaintiff recalls none” to 15 of the 35 interrogatories, even though it is very likely that Mrs. Gilbert had some knowledge of the information requested.

LAW AND ARGUMENT

The Gilberts have failed to provide Defendants with sufficient responses to their discovery to place them on notice of the allegations made against them and the specific nature and severity of their alleged damages. Moreover, while Defendants plan to depose the Plaintiffs in the near future, the Plaintiffs’ responses do not provide Defendants with enough information to be able to adequately prepare for the depositions of the Gilberts. The Louisiana Code of Civil Procedure allows broad discovery and states that:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.³

Louisiana law is well established that our discovery statutes are to be liberally and broadly construed to achieve their intended objectives. Further, the basic objectives of the discovery process are to afford all parties fair opportunity to obtain facts pertinent to litigation, to discover true facts and compel disclosure of these facts wherever they may be found, to assist litigants in preparing their cases for trial, to narrow and clarify basic issues between parties, and to facilitate and expedite legal process by encouraging settlement or abandonment of less than meritorious claims.⁴

³ C.C.P. Article 1422.

⁴ *Hodges v. Southern Farm Bureau Cas. Ins. Co.*, 433 So.2d 125, 129 (La. 1983).

Considering Mr. and Mrs. Gilbert have failed to provide Defendants with any meaningful responses to their discovery, Defendants request that their Motion to Compel Discovery and Depositions currently scheduled for Tuesday, March 27, 2018 be re-set to be heard on the next available rule date so that the Plaintiffs can have additional time to cure the defects of their insufficient, evasive, and nonresponsive discovery responses.

Based upon the foregoing, Defendants wish the depositions of the Plaintiffs remain as a component of the rescheduled Motion to Compel.

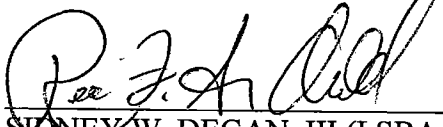
In correspondence to counsel for Plaintiffs, Defendants have requested that Mr. Gilbert provide responsive answers to interrogatories 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 19, 20, 22, 23, 24, 26, 29, and 32 and that Mrs. Gilbert provide responsive answers to interrogatories 3, 4, 5, 6, 7, 8, 10, 12, 13, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 36.

CONCLUSION

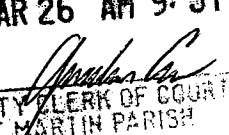
Based upon the foregoing, Defendants wish to continue the Motion to Compel Discovery Responses and Deposition Testimony currently rescheduled for March 27, 2017 to May 11, 2018. Defendants wish to resolve the motion to compel to allow the Plaintiffs additional time to provide the Defendants with adequate responses so that this issue could be cured without the need to proceed before this Honorable Court.

Respectfully Submitted:

DEGAN, BLANCHARD & NASH

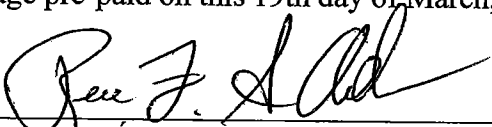

SIDNEY W. DEGAN, III (LSBA #4840)
RENÉE F. SMITH AULD (LSBA #23568)
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: sdegan@degan.com
rsmithauld@degan.com

*Attorneys for Defendants,
Ace American Insurance Company and
CRST Expedited, Inc.*

RECEIVED AND FILED
2018 MAR 26 AM 9:51

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all known parties of record via United States mail, properly addressed and postage pre-paid on this 19th day of March, 2018.



RENEE F. SMITH AULD

MARCH 27, 2018

STATE OF LOUISIANA

PARISH OF ST. MARTIN

THE COURT MET THIS DAY, THE HONORABLE, ANTHONY THIBODEAUX JUDGE PRESIDING. ALSO PRESENT WAS THE COURT REPORTER, KATHLEEN HEBERT. THE MINUTE CLERK ON THIS DAY WAS GABRIELLE NOEL.

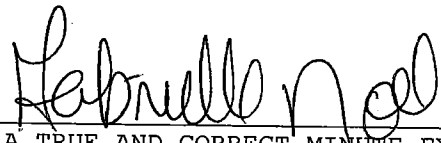
Case #: 085926

GILBERT DUGAS, ET AL

VERSUS

ACE AMERICAN INSURANCE COMPANY, ET AL

THIS MATTER CAME UP THIS DAY FOR MOTION TO COMPEL. NO PARTIES WERE PRESENT NOR REPRESENTED BY COUNSEL. THE LAW CLERK ADVISED THAT THERE WAS A MOTION TO CONTINUE FILED.

I , DEPUTY CLERK OF COURT, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT MINUTE EXTRACT.

NOTICE OF FIXING CASE FOR TRIAL

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

GILBERT DUGAS AND RACHEL DUGAS, PLAINTIFFS
THROUGH COUNSEL OF RECORD,
JEROME H. MOROUX
ATTORNEY AT LAW
557 JEFFERSON STREET
LAFAYETTE, LA 70502-3524
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

PILOT TRAVEL CENTERS, LLC-STORE#274, DEFENDANT
THROUGH ITS NEW COUNSEL OF RECORD,
THOMAS J. CORTAZZO
ATTORNEY AT LAW
1100 POYDRAS STREET, SUITE 3600
NEW ORLEANS, LA 70163
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

PROGRESSIVE SECURITY INSURANCE COMPANY, DEFENDANT
THROUGH ITS COUNSEL OF RECORD,
SEAN P. RABALAIS
ATTORNEY AT LAW
4000 S. SHERWOOD FOREST BOULEVARD, SUITE 303
BATON ROUGE, LA 70816
(TO BE SERVED THROUGH SHERIFF' OFFICE)

MR. SIDNEY W. DEGAN, II
MS. RENEE F. SMITH AULD
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the MOTION TO COMPEL PLAINTIFFS' DISCOVERY REPOSSES AND DISPOSITION TESTIMONY FILED BY DEFENDANTS, ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED on MAY 11, 2018, at 10:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge ANTHONY THIBODEAUX as a 11TH fixing, or on JUNE 25, 2018, at 10:00 o'clock A.M. as the Courthouse, 415 S. Main St., St. Martinville, Louisiana, before Judge ANTHONY THIBODEAUX as a 1ST fixing.

Uniform Rules requires that you file for all exceptions, motions and motion for summary judgments a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 28TH day of MARCH, 2018.

BECKY P. PATIN
Clerk of Court
St. Martin Parish

BY:

Jordan Curran

Deputy Clerk of Court

TO: Sheriff	FROM: Becky P. Patin
<u>Lafayette Parish</u>	<u>Clerk of Court, St. Martin Parish</u>
<u>P. O. Box 3508</u>	<u>P. O. Box 308, St. Martinville, LA 70582</u>
<u>Lafayette, LA 70502-3508</u>	<u>Phone: 337-394-2210 Fax: 337-394-2240</u>

RE: SUIT NO. 85926	PROBATE NO. _____
 GILBERT DUGAS	_____
VS.	
 ACE AMERICAN INSURANCE CO., ET AL	_____

I AM ENCLOSING (1) NOTICE OF FIXING CASE FOR TRIAL, ALONG WITH TRUE COPIES OF THE MOTION TO CONTINUE AND RE-SET HEARING. FOR SERVICE ON GILBERT DUGAS AND RACHEL DUGAS THROUGH THEIR ATTORNEY, JEROME H. MOROUX. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice	March 28, 2018	Jordan Currier Deputy Clerk of Court
----------------	----------------	---

TO: Sheriff

FROM: **Becky P. Patin**

Orleans Parish

Clerk of Court, St. Martin Parish

421 Loyola Ave.

P. O. Box 308, St. Martinville, LA 70582

New Orleans, LA 70112

Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. 85926

PROBATE NO.

GILBERT DUGAS

VS.

ACE AMERICAN INSURANCE CO., ET AL

I AM ENCLOSING (1) NOTICE OF FIXING CASE FOR TRIAL, ALONG WITH TRUE COPIES OF THE MOTION TO CONTINUE AND RE-SET HEARING. FOR SERVICE ON PILOT TRAVEL CENTERS, LLC THROUGH ITS NEW COUNSEL OF RECORD, THOMAS J. CORTAZZO. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice March 28, 2018

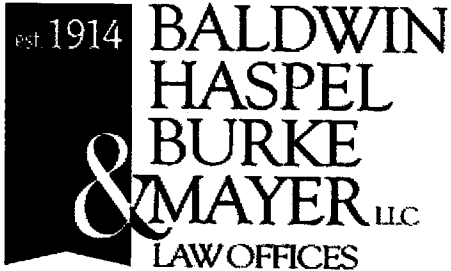
Jordan Currier
Deputy Clerk of Court

TO: Sheriff	FROM: Becky P. Patin
<u>East Baton Rouge Parish</u>	<u>Clerk of Court, St. Martin Parish</u>
<u>P. O. Box 3277</u>	<u>P. O. Box 308, St. Martinville, LA 70582</u>
<u>Baton Rouge, LA 70821-3277</u>	<u>Phone: 337-394-2210 Fax: 337-394-2240</u>

RE: SUIT NO. <u>85926</u>	PROBATE NO. _____
<u>GILBERT DUGAS</u>	_____
VS.	
<u>ACE AMERICAN INSURANCE CO., ET AL</u>	_____

I AM ENCLOSING (1) NOTICE OF FIXING CASE FOR TRIAL, ALONG WITH TRUE COPIES OF THE MOTION TO CONTINUE AND RE-SET HEARING. FOR SERVICE ON PROGRESSIVE SECURITY INSURANCE COMPANY THROUGH ITS COUNSEL OF RECORD, SEAN P. RABALAIS. I AM ALSO ENCLOSING A CHECK IN THE AMOUNT OF \$28.96, FOR SERVICE.

Date of Notice	March 28, 2018	Jordan Currier Deputy Clerk of Court
----------------	----------------	---



THOMAS J. CORTAZZO
*Also an American Arbitration Association ®
Certified Mediator

Writer's Direct Information
Direct Fax: 504.293.5613
tcortazzo@bhbmlaw.com

March 28, 2018

FILE

Becky P. Patin, Clerk
16th Judicial District Court
Parish of St. Martin
P.O. Box 308
St. Martinville, LA 70582-0308

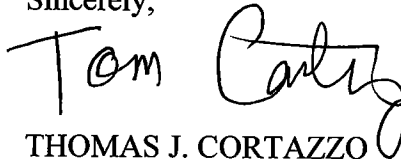
Re: *Gilbert Dugas v. Ace American Insurance Company, et al.*
16th JDC, Parish of St. Martin, No. 85926, Division A
Our File No. 016230-012 / 68230

Dear Ms. Patin:

I enclose an original and one copy of a Request for Written Notice on behalf of defendants Pilot Travel Centers LLC and Ace American Insurance Company. Would you please file the original in the record of the above-referenced action and return a date-stamped copy to me in the envelope provided. I understand we have sufficient funds on account to cover the filing fee.

Thank you for your assistance.

Sincerely,

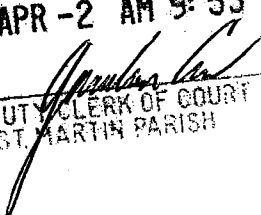

THOMAS J. CORTAZZO

TJC/blb
Enclosures

c: Mr. Jerome H. Moroux (via e-mail: jerome@broussard-david.com; w/encl.)
Mr. Sean P. Rabalais (via e-mail: Sean_P_Rabalais@Progressive.com; w/encl.)
Ms. Renee F. Smith Auld (via e-mail: rsmithauld@degan.com; w/encl.)



1100 POYDRAS STREET – SUITE 3600 NEW ORLEANS, LA 70163
PHONE 504.569.2900 FAX 504.569.2099 www.bhbmlaw.com

RECEIVED AND FILED
2018 APR -2 AM 9: 53

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. 85926 DIVISION A

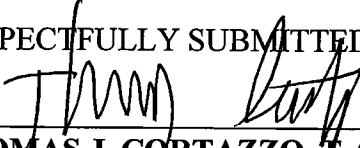
ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

ST. MARTIN PARISH
STATE OF LOUISIANA

REQUEST FOR WRITTEN NOTICE

NOW INTO COURT, through undersigned counsel, come defendants Pilot Travel Centers LLC (referred to in the Petition as Pilot Travel Centers LLC – Store #274) and Ace American Insurance Company, as Insurer for Pilot Travel Centers LLC, and in accordance with the provisions of Articles 1571 and 1572 of the Louisiana Code of Civil Procedure, requests that the Clerk of this Honorable Court provide written notice by mail at least 10 days in advance of any date fixed for any trial or hearing in this cause, whether on exceptions, rules, motions or the amendments thereof, and written notice of the signing of any final judgment and/or the rendition of any interlocutory order or judgment in this proceeding, as provided for in Louisiana Code of Civil Procedure Articles 1913 and 1914.

RESPECTFULLY SUBMITTED:



THOMAS J. CORTAZZO, T.A. (#18174)
ALEX S. AUGHTRY (#37019)
BALDWIN HASPEL BURKE & MAYER, LLC
Energy Centre – Suite 3600
1100 Poydras Street
New Orleans, LA 70163
Telephone: (504) 569-2900
Facsimile: (504) 569-2099

Attorneys for defendant
Pilot Travel Centers LLC

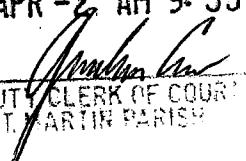
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on all parties through their counsel of record via e-mail, this 28TH day of March, 2018.



RECEIVED AND FILED

2018 APR -2 AM 9: 53


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

ACE AMERICAN INSURANCE COMPANY - ET AL



State of Louisiana

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Lafayette Parish
Sheriff's Office

**Deputy Clerk of Court
St. Martin Parish, LA**

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

RENEE F. AULD

DEGAN, BLANCHARD & NASH

400 POYDRAS ST., STE. 2600

NEW ORLEANS, LA 70130

Date of Service: Tuesday, April 03, 2018

Number of Service: 1

Personal/Domiciliary: PERSONAL ON GILBERT DUGAS AND RCHEL DUGAS THROUGH ATTY JEROME H. MOROUX (AMBER BOURQUE)

Issued by the Clerk of Court on the 6TH day of APRIL, 2018.

Maecelle Dingo

Deputy Clerk of Court

Pleading Served

NOTICE OF FIXING CASE FOR TRIAL

NOTICE OF FIXING CASE FOR TRIAL

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

GILBERT DUGAS AND RACHEL DUGAS, PLAINTIFFS
THROUGH COUNSEL OF RECORD,
JEROME H. MOROUX
ATTORNEY AT LAW
557 JEFFERSON STREET
LAFAYETTE, LA 70502-3524
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

PILOT TRAVEL CENTERS, LLC-STORE#274, DEFENDANT
THROUGH ITS NEW COUNSEL OF RECORD,
THOMAS J. CORTAZZO
ATTORNEY AT LAW
1100 POYDRAS STREET, SUITE 3600
NEW ORLEANS, LA 70163
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

PROGRESSIVE SECURITY INSURANCE COMPANY, DEFENDANT
THROUGH ITS COUNSEL OF RECORD,
SEAN P. RABALAIS
ATTORNEY AT LAW
4000 S. SHERWOOD FOREST BOULEVARD, SUITE 303
BATON ROUGE, LA 70816
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

MR. SIDNEY W. DEGAN, II
MS. RENEE F. SMITH AULD
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the MOTION TO COMPEL PLAINTIFFS' DISCOVERY RESPONSES AND DISPOSITION TESTIMONY FILED BY DEFENDANTS, ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED on MAY 11, 2018, at 10:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge ANTHONY THIBODEAUX as a 11TH fixing, or on JUNE 25, 2018, at 10:00 o'clock A.M. as the Courthouse, 415 S. Main St., St. Martinville, Louisiana, before Judge ANTHONY THIBODEAUX as a 1ST fixing.

Uniform Rules requires that you file for all exceptions, motions and motion for summary judgments a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 28TH day of MARCH, 2018.

BECKY P. PATIN
Clerk of Court
St. Martin Parish

BY:

Jordan Cemin

Deputy Clerk

RECEIVED AND FILED

APR 12 2018

Deputy Clerk of Court
St. Martin Parish, LA

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PAPER	ENTERED	RETURN
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SERIAL NO.	DEPUTY	PARISH

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**RENEE F. AULD
DEGAN, BLANCHARD & NASH
400 POYDRAS ST., STE. 2600
NEW ORLEANS, LA 70130**

Date of Service: Monday, April 09, 2018

Number of Service: 1

Personal/Domiciliary: PERSONAL ON PILOT TRAVEL CENTERS LLC THROUGH ATTY THOMAS J. CORTAZZO (BONNIE)

Issued by the Clerk of Court on the 12TH day of APRIL, 2018.

Marcelle Dingo

Deputy Clerk of Court

Pleading Served

NOTICE OF FIXING CASE FOR TRIAL

NOTICE OF FIXING CASE FOR TRIAL

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

GILBERT DUGAS AND RACHEL DUGAS, PLAINTIFFS
THROUGH COUNSEL OF RECORD,
JEROME H. MOROUX
ATTORNEY AT LAW
557 JEFFERSON STREET
LAFAYETTE, LA 70502-3524
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

PILOT TRAVEL CENTERS, LLC-STORE#274, DEFENDANT
THROUGH ITS NEW COUNSEL OF RECORD,
THOMAS J. CORTAZZO
ATTORNEY AT LAW
1100 POYDRAS STREET, SUITE 3600
NEW ORLEANS, LA 70163
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

PROGRESSIVE SECURITY INSURANCE COMPANY, DEFENDANT
THROUGH ITS COUNSEL OF RECORD,
SEAN P. RABALAIS
ATTORNEY AT LAW
4000 S. SHERWOOD FOREST BOULEVARD, SUITE 303
BATON ROUGE, LA 70816
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

MR. SIDNEY W. DEGAN, II
MS. RENEE F. SMITH AULD
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the MOTION TO COMPEL PLAINTIFFS' DISCOVERY RESPONSES AND DISPOSITION TESTIMONY FILED BY DEFENDANTS, ACE AMERICAN INSURANCE COMPANY AND CRST EXPEDITED on MAY 11, 2018, at 10:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge ANTHONY THIBODEAUX as a 11TH fixing, or on JUNE 25, 2018, at 10:00 o'clock A.M. as the Courthouse, 415 S. Main St., St. Martinville, Louisiana, before Judge ANTHONY THIBODEAUX as a 1ST fixing.

Uniform Rules requires that you file for all exceptions, motions and motion for summary judgments a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 28TH day of MARCH, 2018.

BECKY P. PATIN
Clerk of Court
St. Martin Parish

BY:

Jordan Cunniff

Deputy Clerk of Court

RECEIVED APR 16 2018

APR 16 2018

Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

*Personal
Kayla
4/9/18*

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

RENEE F. AULD

DEGAN, BLANCHARD & NASH

400 POYDRAS ST., STE. 2600

NEW ORLEANS, LA 70130

Date of Service: Monday, April 09, 2018

Number of Service: 1

**Personal/Domiciliary: PERSONAL ON PROGRESSIVE SECURITY INSURANCE COMPANY THROUGH
ATTY SEAN P. RABALAIS (KAYLEE)**

Issued by the Clerk of Court on the 16TH day of APRIL, 2018.

Maucelle Diney

Deputy Clerk of Court

Pleading Served

NOTICE OF FIXING CASE FOR TRIAL

MAY 11, 2018

STATE OF LOUISIANA

PARISH OF ST. MARTIN

THE COURT MET THIS DAY, THE HONORABLE, ANTHONY THIBODEAUX JUDGE PRESIDING. ALSO PRESENT WAS THE COURT REPORTER, KATHLEEN HEBERT. THE MINUTE CLERK ON THIS DAY WAS GABRIELLE NOEL.

Case #: 085926

GILBERT DUGAS, ET AL

VERSUS

ACE AMERICAN INSURANCE COMPANY, ET AL

THIS MATTER CAME UP THIS DAY FOR MOTION TO COMPEL. NO PARTIES WERE PRESENT NOR REPRESENTED BY COUNSEL. THE LAW CLERK ADVISED THAT THE PARTIES WILL SUBMIT A CONSENT JUDGMENT.

I Gabrielle Noel, DEPUTY CLERK OF COURT, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT MINUTE EXTRACT.

DEGAN, BLANCHARD & NASH
A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

June 20, 2018

VIA U.S. MAIL AND FACSIMILE 866-831-0418

The Honorable Anthony Thibodeaux
16th Judicial District Court, Parish of St. Martin
Judge, Division A
415 S. Main St., Suite 214
P.O. Box 367
St. Martinville, Louisiana 70582-0367

Attention : Jennifer Bostick

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961


Dear Judge Thibodeaux:

Please take Ace American Insurance Company and CRST Expedited, Inc.'s Motion to Compel in *Dugas* off of the court's docket, which is currently scheduled for June 25, 2018. The Defendants wish to continue the hearing without date, as the Plaintiffs, Gilbert Dugas and Rachael Dugas, have provided them with adequate discovery responses and have agreed to have their depositions taken on July 17, 2018.

Should you have any questions, please have a member of your staff contact us.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw

cc: Jerome H. Moroux (via facsimile)
Sean Rabalais (via email)
Tom Cortazzo (via email)
Becky Patin, Clerk of Court (via facsimile)

FILE

DEGAN, BLANCHARD & NASH

400 Poydras Street, Suite 2600

New Orleans, Louisiana 70130

Telephone: (504) 529-3333

Facsimile: (504) 529-3337

F A C S I M I L E C O V E R S H E E T

TO: Becky Patin, Clerk of Court
16th Judicial District Court
Parish of St. Martin

FAX NO.: (337) 394-2240

DATE: June 20, 2018

FROM: Renee Smith Auld

REFERENCE: 353-10961

PAGES (Including Cover Sheet)

FACSIMILE MESSAGE:

Please see attached.

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for a return of the documents.

If there is any problem receiving this message, please call (504) 529-3333. Facsimile sent by Denise Wade.

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FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 6.20.18

DESCRIPTION OF TRANSMISSION: REMOVE OFF CLERKS DOCKET FOR 6.25.18, **FYI** THE JUDGES OFFICE DOES NOT SET OR TAKE THINGS OFF THE DOCKET, WE AT THE ST. MARTIN PARISH CLERK OF COURTS OFFICE HANDLES THE DOCKET, PLEASE MAIL THIS TO OUR OFFICE FOR PROPER FILING. THANKS

FILED ON BEHALF OF: DEF

PERSON SIGNING PLEADING: R. AULD

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: _____

A handwritten signature in dark ink, appearing to read "Eugene Auld", is written over a horizontal line.

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 6.20.18

[FILE]

Amount due: \$32.00

Transmission Report

Date/Time06-20-201803:39:44 p.m.

Local ID 13373942240

Transmit Header TextLocal Name 1

St Martin Parish Clerk of CourtReceived SMP COC


This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Verus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Fax ID #: 726001272

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FILED ON BEHALF OF: DEE

PERSON SIGNING PLEADING: R. AULD

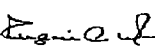
This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per La R.S. 13:830

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DECKY P. PATIN

Clerk of the 16th Judicial District Court for St. Martin Parish, Louisiana

BY: 

Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 6.20.18

[FILE]

Total Pages Scanned : 2			Total Pages Confirmed : 2							
No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results	
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Abbreviations:

HS: Host send

HR: Host receive

WS: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

RP: Report

FF: Fax Forward

CP: Completed

FA: Fail

TU: Terminated by user

TS: Terminated by system

G3: Group 3

EC: Error Correct

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

June 22, 2018

VIA U.S. MAIL AND FACSIMILE 337-394-2240

The Honorable Becky Patin
415 S. Main St., Suite 110
St. Martinville, LA 70582

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

Dear Clerk Patin:

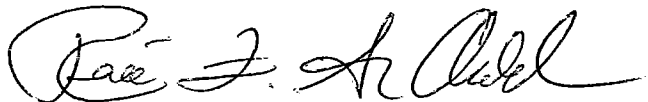
We are in receipt of your fax confirmation regarding Ace American Insurance Company and CRST Expedited, Inc.'s Motion to ReSet Motion to Compel in the above referenced matter.

Please take Ace American Insurance Company and CRST Expedited, Inc.'s Motion to Compel in *Dugas* off of the court's docket, which is currently scheduled for June 25, 2018 before Judge Thibodeaux. The Defendants wish to continue the hearing without date, as the Plaintiffs, Gilbert Dugas and Rachael Dugas, have provided Defendants with adequate discovery responses. Moreover, the Plaintiffs have agreed to be deposed on July 17, 2018.

Should you have any questions, please have a member of your staff contact us.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw

cc: Jerome H. Moroux (via facsimile)
Sean Rabalais (via email)
Tom Cortazzo (via email)
The Honorable Anthony Thibodeaux (via facsimile)

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

June 27, 2017

The Honorable Becky P. Patin
Clerk of Court
414 St. Martin Street
P. O. Box 308
St. Martinville, Louisiana 70582

FILE

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

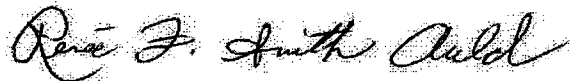
Dear Clerk Patin:

Please find enclosed the enclosed the Court's fax confirmation page and our firm check in the amount of \$32.00 in satisfaction of the Court's fax and filing fees for a request that the 6/25/18 hearing be removed from the docket in the above referenced matter.

Thank you for your assistance, and please do not hesitate to contact my office should you have any questions regarding this filing.

Sincerely,

DEGAN, BLANCHARD & NASH



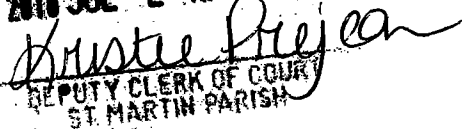
Renée F. Smith Auld

RFSA/dpw
Enclosures

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2018 JUL -2 AM 9:45



DEPUTY CLERK OF COURT
ST. MARTIN PARISH

DEGAN, BLANCHARD & NASH

A PROFESSIONAL LAW CORPORATION
TEXACO CENTER
400 POYDRAS STREET, SUITE 2800
NEW ORLEANS, LOUISIANA 70130

RENEE F. SMITH AULD
OF COUNSEL
ADMITTED IN LOUISIANA AND TEXAS

TELEPHONE (504) 529-3333
FACSIMILE (504) 529-3337
WRITER'S DIRECT E-MAIL
RSMITHAULD@DEGAN.COM

June 20, 2018

VIA U.S. MAIL AND FACSIMILE 866-831-0418

The Honorable Anthony Thibodeaux
16th Judicial District Court, Parish of St. Martin
Judge, Division A
415 S. Main St., Suite 214
P.O. Box 367
St. Martinville, Louisiana 70582-0367

Attention : Jennifer Bostick

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
St. Martin Parish, Cause No. 85926-A
Our File No. 353-10961

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Should you have any questions, please have a member of your staff contact us.

Sincerely,

DEGAN, BLANCHARD & NASH



Renée F. Smith Auld

RFSA/dpw

cc: Jerome H. Moroux (via facsimile)
Sean Rabalais (via email)
Tom Cortazzo (via email)
~~Becky Patin~~, Clerk of Court (via facsimile)

{00382861.DOC;1}

274
FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Tax ID # 726001272

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DATE FAX TRANSMISSION RECEIVED: 6.20.18

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FILED ON BEHALF OF: DEF


PERSON SIGNING PLEADING: R. AULD

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

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BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: 
Deputy Clerk of Court

Confirmation faxed to number: 504.529.3337

Date confirmation faxed: 6.20.18

[FILE]

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DEPUTY CLERK OF COURT
ST. MARTIN PARISH

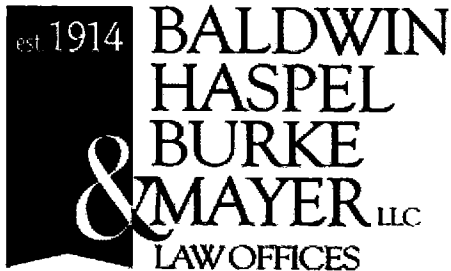
Amount due: \$32.00

[FILE]

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2019 JUL -2 AM 9 45

Russell Pryor
DEPUTY CLERK OF COURT
ST. MARTIN PARISH



THOMAS J. CORTAZZO

**Also an American Arbitration Association ®
Certified Mediator*

Writer's Direct Information

Direct Fax: 504.293.5613

tcortazzo@bhbmlaw.com

July 30, 2018

FILE

Becky P. Patin, Clerk
16th Judicial District Court
Parish of St. Martin
P.O. Box 308
St. Martinville, LA 70582-0308

Re: *Gilbert Dugas v. Ace American Insurance Company, et al.*
16th JDC, Parish of St. Martin, No. 85926, Division A
Our File No. 016230-012 / 68230

Dear Ms. Patin:

I enclose an original and two copies of a Motion for Leave to File Amended Answer, Order and Incorporated Memorandum in Support with proposed Amended Answer on behalf of defendants Pilot Travel Centers LLC and Ace American Insurance Company. Would you please present the Motion, Order and Amended Answer to the Judge for signing and return a date-stamped and conformed copy to me in the envelope provided. Then please arrange for service of the Motion, Order and Amended Answer with the Sheriff's Office. I enclose this firm's check in the amount of \$275.00 in payment of the filing and service fees.

Thank you for your assistance.

Sincerely,

THOMAS J. CORTAZZO

TJC/blb
Enclosures

c: Mr. Jerome H. Moroux (via e-mail: jerome@broussard-david.com & U.S. Mail; w/encl.)
Mr. Sean P. Rabalais (via e-mail: Sean_P_Rabalais@Progressive.com & U.S. Mail;
w/encl.)
Ms. Renee F. Smith Auld (via e-mail: rsmithauld@degan.com & U.S. Mail; w/encl.)

{B1428806.1}



1100 POYDRAS STREET - SUITE 3600 NEW ORLEANS, LA 70165
PHONE 504.569.2900 FAX 504.569.2099 www.bhbmlaw.com

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DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. 85926 DIVISION A

ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

ST. MARTIN PARISH
STATE OF LOUISIANA

**MOTION FOR LEAVE TO FILE AMENDED ANSWER, ORDER AND
INCORPORATED MEMORANDUM IN SUPPORT OF MOTION**

NOW INTO COURT, through undersigned counsel, come defendants Pilot Travel Centers LLC (erroneously named in the Petitions “Pilot Travel Centers LLC-Store #274”) and Ace American Insurance Company and respectfully pray for execution of the below Order granting Leave of Court to file the attached Amended Answer into the record of this lawsuit. Pilot and Ace seek to amend their original Answer to the original Petition and First Supplemental and Amending Petition. The Amended Answer relates to the facts and circumstances already at issue in this action and will cause no delay in the proceedings. Under the law, the Court has broad discretion to grant leave to amend and should do so barring exceptional circumstances.


Trial Courts have broad discretion to grant leave to amend. *See, e.g., Broussard v. Breaux*, 412 So.2d 176, 180 (La. App. 3rd Cir.), *writ denied*, 416 So.2d 115 (1982). The situation must be very uncommon to justify denying a motion for leave to amend pleadings, particularly where the amendment would promote justice and not cause delay. *General Elec. Co. v. Dugas*, 526 So.2d 854, 858 (La. App. 1st Cir. 1988); *Glass v. Stewart*, 133 So. 787 (La. App. 1931). The Louisiana Supreme Court has stated that a policy of liberal amendment is contemplated under Louisiana law. *Giron v. Lee Housing Auth.*, 393 So.2d 1267, 1270 (La. 1981); *Dugas*, 526 So.2d at 858. There is no reason to deny the Motion for Leave to file the Amended Answer in this instance.

Justice will be promoted by permitting the amendment in this case because it will enable complete resolution of all issues in the lawsuit. The proceeding will not be delayed in any way by filing the Amended Answer. The Amended Answer adds no new issues to the case. Written discovery is still on-going, and no depositions have yet been taken. The Amended Answer

simply adds additional affirmative defenses which are based on facts already at issue in the lawsuit which defenses were omitted from the initial Answer filed by movants' previous counsel. The question in the litigation, before and after the Amended Answer is filed, are the same: Whether plaintiff Gilbert Dugas was injured in any accident at Pilot's facility as he has described. Pilot and Ace have always denied the allegations against them. They also stated numerous Affirmative Defenses in their original Answer. Included among those defenses, defendants urged comparative fault, complete bar to recovery, failure to mitigate and fault of other persons. By the Amended Answer, Pilot and Ace wish to explicitly (1) add that plaintiff's alleged injuries are not related to the alleged incident and are not caused by any act or omission of Pilot/Ace because evidence obtained through discovery has revealed that plaintiff did indeed sustain injuries and incur medical costs *unrelated* to any accident he alleged in this lawsuit; (2) reference defenses that were asserted and available to other defendants; and (3) reserve the right to assert a claim under Louisiana Code of Civil Procedure Article 863 based on evidence that supports such a claim, all of which is consistent with the defenses urged in the original Answer.

For the foregoing reasons, defendants respectfully urge that the below Order be entered, granting Leave of Court to file the attached Amended Answer and deeming the pleading filed.

RESPECTFULLY SUBMITTED:

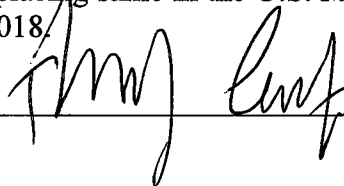


THOMAS J. CORTAZZO, T.A. (#18174)
ALEX S. AUGHTRY (#37019)
BALDWIN HASPEL BURKE & MAYER, LLC
Energy Centre – Suite 3600
1100 Poydras Street
New Orleans, LA 70163
Telephone: (504) 569-2900
Facsimile: (504) 569-2099

**Attorneys for defendants Pilot Travel Centers
LLC and Ace American Insurance Company**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on all parties through their counsel of record via e-mail and by placing same in the U.S. Mail, postage prepaid and properly addressed, this 30th day of July, 2018.



RECEIVED AND FILED
2018 AUG -1 AM 9:26

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

ORDER

Considering the foregoing Motion for Leave to File Amended Answer and Incorporated Supporting Memorandum,

IT IS HEREBY ORDERED that the foregoing Motion for Leave is granted, Leave is granted to file the Amended Answer, and the Amended Answer is hereby deemed filed.

St. Martinville, Louisiana, this 2 day of August, 2018.

Lewis H. Pitman, Jr.
JUDGE

LEWIS H. PITMAN, JR.

PLEASE SERVE:

Plaintiffs Gilbert and Rachel Dugas
through their counsel of record:
Mr. Jerome H. Moroux
Broussard & David, LLC
557 Jefferson Street
Lafayette, LA 70501

RECEIVED AND FILED

2018 AUG -1 AM 9:26

[Signature]
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. 85926 DIVISION A

**ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY**

**ST. MARTIN PARISH
STATE OF LOUISIANA**

AMENDED ANSWER

The Answer of defendants Pilot Travel Centers LLC (erroneously named in the Petitions “Pilot Travel Centers LLC-Store #274”) and Ace American Insurance Company is hereby amended and supplemented as follows:

I.

The following Affirmative Defenses and reservations are added:

3.

Plaintiffs have failed to mitigate, minimize or abate their damages.

4.

The injuries of which plaintiffs complain, if any, are not related to the alleged incident and/or not caused by any act or omission of Pilot or its insurer.

5.

Pilot hereby incorporates and asserts all defenses that were asserted or would otherwise be available to any other current or future defendant.

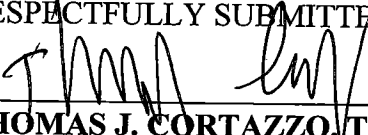
6.

Pilot reserves the right to file additional exceptions, answers, affirmative defenses, third-party claims, reconventional claims or cross-claims such as the facts may later disclose and require.

7.

Pilot reserves the right to assert claims under Louisiana Code of Civil Procedure Article 863 for the assertion in the Petitions of false claims and allegations.

RESPECTFULLY SUBMITTED:

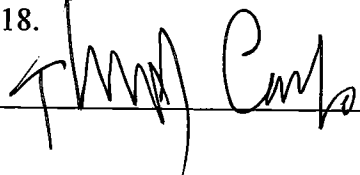


THOMAS J. CORTAZZO, T.A. (#18174)
ALEX S. AUGHTRY (#37019)
BALDWIN HASPEL BURKE & MAYER, LLC
Energy Centre – Suite 3600
1100 Poydras Street
New Orleans, LA 70163
Telephone: (504) 569-2900
Facsimile: (504) 569-2099

**Attorneys for defendants Pilot Travel Centers
LLC and Ace American Insurance Company**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on all parties through their counsel of record via e-mail and by placing same in the U.S. Mail, postage prepaid and properly addressed, this 30th day of July, 2018.



PLEASE SERVE:

Plaintiffs Gilbert and Rachel Dugas
through their counsel of record:
Mr. Jerome H. Moroux
Broussard & David, LLC
557 Jefferson Street
Lafayette, LA 70501

RECEIVED AND FILED
2018 AUG -1 AM 9:26


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

THIS IS TO CERTIFY that on the 3RD day of AUGUST, 2018, Notice of the signing of the MOTION FOR LEAVE TO FILE AMENDED ANSWER, ORDER AND INCORPORATED MEMORANDUM IN SUPPORT OF MOTION, ORDER AND AMENDED ANSWER in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on this 3RD day of AUGUST, 2018.

CLERK OF COURT

BY: Jordan Cummin

Deputy Clerk of Court

TO:
PLAINTIFFS GILBERT AND RACHEL DUGAS
THROUGH THEIR COUNSEL OF RECORD:
MR. JEROME H. MOROUX
BROUSSARD & DAVID, LLC
557 JEFFERSON STREET
LAFAYETTE, LA 70501
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

TO: Sheriff

FROM: **Becky P. Patin**

Lafayette Parish

Clerk of Court, St. Martin Parish

P. O. Box 3508

P. O. Box 308, St. Martinville, LA 70582

Lafayette, LA 70502-3508

Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. 85926

PROBATE NO.

GILBERT DUGAS

VS.

ACE AMERICAN INSURANCE CO., ET AL

I AM ENCLOSING (1) CERTIFICATE, ALONG WITH TRUE COPIES OF MOTION TO LEAVE TO FILE AMENDED ANSWER. FOR SERVICE ON GILBERT DUGAS AND RACHEL DUGAS THROUGH THEIR COUNSEL OF RECORD, MR. JEROME H. MOROUX. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice August 3, 2018

Jordan Currier
Deputy Clerk of Court

10088
CERTIFICATE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

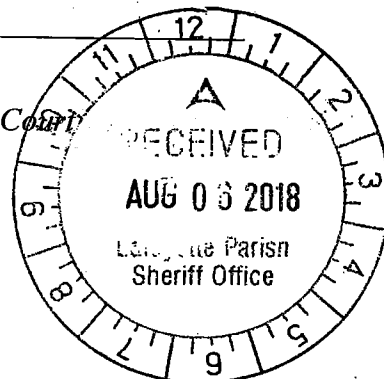
THIS IS TO CERTIFY that on the 3RD day of AUGUST, 2018, Notice of the signing of the MOTION FOR LEAVE TO FILE AMENDED ANSWER, ORDER AND INCORPORATED MEMORANDUM IN SUPPORT OF MOTION, ORDER AND AMENDED ANSWER in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on this 3RD day of AUGUST, 2018.

CLERK OF COURT

BY: Jordan Currier

Deputy Clerk of Court



TO:
PLAINTIFFS GILBERT AND RACHEL DUGAS
THROUGH THEIR COUNSEL OF RECORD:
MR. JEROME H. MOROUX
BROUSSARD & DAVID, LLC
557 JEFFERSON STREET
LAFAYETTE, LA 70501
(TO BE SERVED THROUGH SHERIFF'S OFFICE)

SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF DEPT.

DATE SERVED 8/6/18, 20
SERVED Clerk
PERSONAL (☒) Clerk 1:58pm
DOMICILIARY () OR
UNABLE TO LOCATE ☐ MOVED () NO SUCH ADDRESS ()
OTHER REASON
RECEIVED TO LATE FOR SERVICE ()
SERVICE OF WITHIN PAPERS
COSTS FEE \$ 30 MILEAGE \$ 15 TOTAL \$ 45
DEPUTY [Signature] 10088

RECEIVED AND FILED

AUG 15 2018

Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

**THOMAS J. CORTAZZO
BALDWIN HASPEL BURKE & MAYER, LLC
1100 POYDRAS ST., STE 3600
NEW ORLEANS, LA 70163**

Date of Service: Monday, August 06, 2018

Number of Service: 1

Personal/Domiciliary: PER ON GILBERT & RACHEL DUGAS THROUGH MR. JEROME H. MOROUX (CIERRA)

Issued by the Clerk of Court on the 15TH day of AUGUST, 2018.

Farren Truitt

Deputy Clerk of Court

**Pleading Served
CERTIFICATE**



Thomas J. Cortazzo
400 Poydras Street, Suite 1300
New Orleans, Louisiana 70130
Tom.Cortazzo@lewisbrisbois.com
Direct: 504.272 2789

August 17, 2018

FILE

VIA FACSIMILE (337)394-2240

Becky Patin
Clerk of Court, 16th JDC
St. Martin Parish
P. O. Box 308
St. Martinville, LA 70582

Re: *Gilbert Dugas v. Ace American Insurance Co., et al*
16th JDC, St. Martin Parish, Case No. 85926, Div. "A"

Dear Ms. Patin:

Attached please find *Ex Parte* Motion to Withdraw and Substitute Counsel of Record and proposed Order. We are fax filing on behalf of Defendants, Pilot Travel Centers, LLC and Ace American Insurance Company. The original and three (3) copies will be forwarded to you, along with our firm's check in payment of all fees associated with this filing, within the delays allowed by law.

Should you have any questions, or need anything further, please do not hesitate to contact me.

Sincerely,

Thomas J. Cortazzo of
LEWIS BRISBOIS BISGAARD & SMITH LLP

TJC/nm

Enclosures

cc: *Alex S. Aughtry (via email)*
Jerome H. Moroux (via email)

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO: 85926

DIV.: "A"

GILBERT DUGAS

VS.

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC – STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY

FILED: _____


DEPUTY CLERK

EX PARTE MOTION TO WITHDRAW AND
SUBSTITUTE COUNSEL OF RECORD


NOW INTO COURT, through undersigned counsel, comes Defendants, Pilot Travel Centers LLC (erroneously named in the Petitions "Pilot Travel Centers LLC-Store #274") and Ace American Insurance Company ("Defendants"), representing that Thomas J. Cortazzo, Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC have appeared as counsel for Defendants and that Defendants desire to substitute Thomas J. Cortazzo, Dakota K. Chenevert and James V. King, III and the law firm of Lewis Brisbois Bisgaard & Smith, LLP, as its counsel of record and respectfully request that this Honorable Court enter an Order permitting the withdrawal of Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC, and the substitution of Dakota K. Chenevert and James V. King, III and the law firm of Lewis Brisbois Bisgaard & Smith, LLP, as counsel of record for Defendants with Thomas J. Cortazzo remaining as counsel, now with the Lewis Brisbois Bisgaard & Smith, LLP.

Respectfully submitted,

BALDWIN HASPEL BURKE & MAYER,
LLC

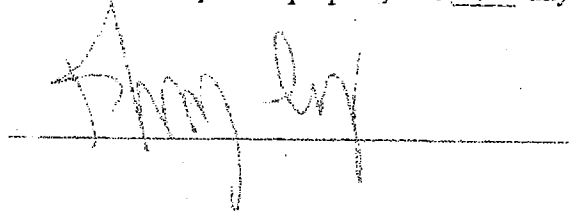

ALEX S. AUGHTRY (#37019)
Energy Centre – 36th Floor
1100 Poydras Street
New Orleans, Louisiana 70163
Telephone: (504) 569-2900
Facsimile: (504) 569-2099

LEWIS BRISBOIS BISGAARD & SMITH
LLP


THOMAS J. CORTAZZO, T.A. (#18174)
DAKOTA K. CHENEVERT (#37069)
JAMES V. KING, III (#36106)
400 Poydras Street, Suite 2000
New Orleans, LA 70130
Telephone: (504) 322-4100
Facsimile: (504) 754-7569

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record via e-mail and US Mail properly addressed and posted prepaid, this 17th day of August, 2018.



ORDER

Considering the *Ex Parte* Motion to Withdraw and Substitute Counsel of Record filed by Defendants, Pilot Travel Centers LLC (erroneously named in the Petitions "Pilot Travel Centers LLC-Store #274") and Ace American Insurance Company;

IT IS ORDERED that the Motion is **GRANTED**, and that Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC, be and hereby are withdrawn and Dakota K. Chenevert (La. Bar #37069), James V. King, III (La. Bar #36106) and the law firm of Lewis Brisbois Bisgaard & Smith, LLP, be and hereby are substituted as counsel of record for Pilot Travel Centers LLC (erroneously named in the Petitions "Pilot Travel Centers LLC-Store #274") and Ace American Insurance Company, with Thomas J. Cortazzo remaining as counsel of record for Defendants, now at Lewis Brisbois Bisgaard & Smith, LLP.

St. Martinville, Louisiana, this _____ day of _____, 2018.

ANTHONY THIBODEAUX, JUDGE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: AUGUST 17 2018

DESCRIPTION OF TRANSMISSION: EXPARTE MOTION TO WITHDRAW

FILED ON BEHALF OF: PILOT TRAVEL CENTERS

PERSON SIGNING PLEADING: THOMAS CORTAZZO

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Christie Segura

Deputy Clerk of Court

Confirmation faxed to number: 1-504-754-7569

Date confirmation faxed: AUGUST 20 2018

Amount due: \$125.00

[FILE]

Date/Time
Local ID 1

08-20-2018
3373942240

10:07:19 a.m.

Transmit Header Text
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St Martin Parish Clerk of Court
Received SMP COC


This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE

DATE FAX TRANSMISSION RECEIVED: AUGUST 17 2018

DESCRIPTION OF TRANSMISSION: EX PARTE MOTION TO WITHDRAW

FILED ON BEHALF OF: PILOT TRAVEL CENTERS

PERSON SIGNING PLEADING: THOMAS CORTAZZO

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee, \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading. PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BY: Chrisae Segura

Deputy Clerk of Court

Confirmation faxed to number: 1-504-754-7569

Date confirmation faxed: AUGUST 20 2018

Amount due: \$125.00

[FILE]

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Abbreviations:

IS: Host send

IR: Host receive

VS: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

RP: Report

FF: Fax Forward

CP: Completed

FA: Fail

TU: Terminated by user

TS: Terminated by system

G3: Group 3

EC: Error Correct



Thomas J. Cortazzo
400 Poydras Street, Suite 1300
New Orleans, Louisiana 70130
Tom.Cortazzo@lewisbrisbois.com
Direct: 504.272.2789

FILE

August 23, 2018

VIA FEDERAL EXPRESS

Becky Patin, Clerk of Court
16th JDC, St. Martin Parish
415 St. Martin Street
St. Martinville, LA 70582

Re: Gilbert Dugas v Ace American Insurance Co., et al
16th JDC, St. Martin Parish, Case no. 85926, Div. "A"

Dear Ms. Patin:

Enclosed please find the original and three copies of the Ex Parte Motion to Withdraw and Substitute Counsel of Record and proposed Order which has been fax filed. Also attached is the Facsimile Filing Receipt of Transmission and a firm check in the amount of \$125.00. Please return a conformed copy in the enclosed self-addressed, stamped envelope.

If you have any questions, please do not hesitate to contact us.

Sincerely,


Thomas J. Cortazzo of
LEWIS BRISBOIS BISGAARD & SMITH LLP

TJC/rrm

Enclosures

RECEIVED AND FILED

2018 AUG 24 AM 9:11

ARIZONA • CALIFORNIA • COLORADO • CONNECTICUT • FLORIDA • GEORGIA • ILLINOIS • INDIANA • KANSAS • KENTUCKY
LOUISIANA • MARYLAND • MASSACHUSETTS • MISSOURI • NEVADA • NEW JERSEY • NEW MEXICO • NEW YORK
NORTH CAROLINA • OHIO • OREGON • PENNSYLVANIA • RHODE ISLAND • TEXAS • WASHINGTON • WEST VIRGINIA

4847-0817-9824.1

3379 2240

Received SMP C

St Martin Parish Clerk of Court

10:06:38 a.m. 08-20-2018

1 / 1

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
 Division: A
 16th Judicial District Court
 Parish of St. Martin
 State of Louisiana
 Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: AUGUST 17 2018

DESCRIPTION OF TRANSMISSION: EX PARTE MOTION TO WITHDRAW

FILED ON BEHALF OF: PILOT TRAVEL CENTERS

PERSON SIGNING PLEADING: THOMAS CORTAZZO

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation (WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN
 Clerk of the 16th Judicial District Court for
 St. Martin Parish, Louisiana

BY:

Christie Sigura

Deputy Clerk of Court

Confirmation faxed to number: 1-504-754-7569

Date confirmation faxed: AUGUST 20 2018

Amount due: \$125.00

RECEIVED AND FILED
 [FILE] 2018 AUG 24 AM 9:11

DEPUTY CLERK OF COURT
 ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO: 85926

DIV.: "A"

GILBERT DUGAS

VS.

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED, INC.,
MARK STRAUSS, PILOT TRAVEL CENTERS, LLC – STORE #274, AND
PROGRESSIVE SECURITY INSURANCE COMPANY

FILED: _____

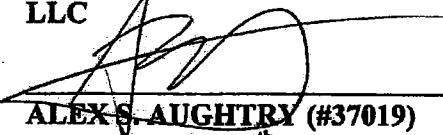
DEPUTY CLERK

EX PARTE MOTION TO WITHDRAW AND
SUBSTITUTE COUNSEL OF RECORD

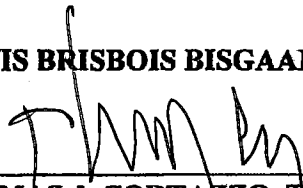
NOW INTO COURT, through undersigned counsel, comes Defendants, Pilot Travel Centers LLC (erroneously named in the Petitions "Pilot Travel Centers LLC-Store #274") and Ace American Insurance Company ("Defendants"), representing that Thomas J. Cortazzo, Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC have appeared as counsel for Defendants and that Defendants desire to substitute Thomas J. Cortazzo, Dakota K. Chenevert and James V. King, III and the law firm of Lewis Brisbois Bisgaard & Smith, LLP, as its counsel of record and respectfully request that this Honorable Court enter an Order permitting the withdrawal of Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC, and the substitution of Dakota K. Chenevert and James V. King, III and the law firm of Lewis Brisbois Bisgaard & Smith, LLP, as counsel of record for Defendants with Thomas J. Cortazzo remaining as counsel, now with the Lewis Brisbois Bisgaard & Smith, LLP.

Respectfully submitted,

**BALDWIN HASPEL BURKE & MAYER,
LLC**


ALEX S. AUGHTRY (#37019)
Energy Centre – 36th Floor
1100 Poydras Street
New Orleans, Louisiana 70163
Telephone: (504) 569-2900
Facsimile: (504) 569-2099

**LEWIS BRISBOIS BISGAARD & SMITH
LLP**


THOMAS J. CORTAZZO, T.A. (#18174)
DAKOTA K. CHENEVERT (#37069)
JAMES V. KING, III (#36106)
400 Poydras Street, Suite 2000
New Orleans, LA 70130
Telephone: (504) 322-4100
Facsimile: (504) 754-7569

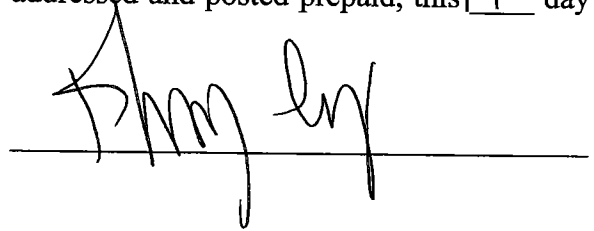
RECEIVED AND FILED

2018 AUG 24 AM 9:11

1

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record via e-mail and US Mail properly addressed and posted prepaid, this 17th day of August, 2018.



ORDER

Considering the *Ex Parte* Motion to Withdraw and Substitute Counsel of Record filed by Defendants, Pilot Travel Centers LLC (erroneously named in the Petitions "Pilot Travel Centers LLC-Store #274") and Ace American Insurance Company;

IT IS ORDERED that the Motion is **GRANTED**, and that Alex S. Aughtry and the law firm of Baldwin Haspel Burke & Mayer, LLC, be and hereby are withdrawn and Dakota K. Chenevert (La. Bar #37069), James V. King, III (La. Bar #36106) and the law firm of Lewis Brisbois Bisgaard & Smith, LLP, be and hereby are substituted as counsel of record for Pilot Travel Centers LLC (erroneously named in the Petitions "Pilot Travel Centers LLC-Store #274") and Ace American Insurance Company, with Thomas J. Cortazzo remaining as counsel of record for Defendants, now at Lewis Brisbois Bisgaard & Smith, LLP.

St. Martinville, Louisiana, this 24th day of August, 2018.

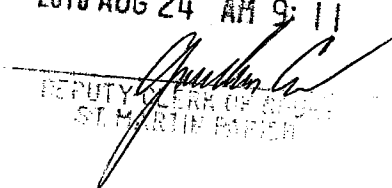


~~ANTHONY THIBODEAUX, JUDGE~~

Suzanne M. deMahy

RECEIVED AND FILED

2018 AUG 24 AM 9:11



DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE

GILBERT DUGAS

STATE OF LOUISIANA

Vs. NO. 85926

16th JUDICIAL DISTRICT COURT

ACE AMERICAN INSURANCE COMPANY,
ET AL

PARISH OF ST. MARTIN

THIS IS TO CERTIFY that on AUGUST 27, 2018, Notice of the signing of the EX PARTE MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL OF RECORD in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on AUGUST 27, 2018.

CLERK OF COURT

BY:


DEPUTY CLERK OF COURT

MR. JOHN P. WOLFF, III
ATTORNEY AT LAW
P.O. BOX 1151
BATON ROUGE, LA 70821

MR. SIDNEY W. DEGAN, III
MS. RENEE F. SMITH AULD
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130

MR. SEAN P. RABALAIS
ATTORNEY AT LAW
4000 S. SHERWOOD FOREST
BOULEVARD, SUITE 303
BATON ROUGE, LA 70816

MR. ALEX S. AUGHTRY
ATTORNEY AT LAW
ENERGY CENTRE-36TH FLOOR
1100 POYDRAS STREET
NEW ORLEANS, LA 70163

MR. THOMAS J. CORTAZZO, T.A.
MR. DAKOTA K. CHENEVERT
MR. JAMES V. KING, III
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2000
NEW ORLEANS, LA 70130



Thomas J. Cortazzo
400 Poydras Street, Suite 1300
New Orleans, Louisiana 70130
Tom.Cortazzo@lewisbrisbois.com
Direct: 504.272.2789

September 19, 2018

16230.03

Via Facsimile: (337)394-2240

Becky Patin
Clerk of 16th JDC
St. Martin Parish
P. O. Box 308
St. Martinville, LA 70582

FILE

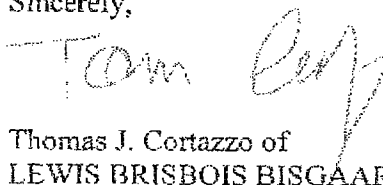
Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
16th JDC, St. Martin Parish, No. 85926, Div. A

Dear Ms. Patin:

Enclosed please find the Motion for and Judgment of Dismissal Without Prejudice. We are fax filing on behalf of Defendant, Pilot Travel Centers, LLC and Ace American Insurance Company. The original and three copies will be forwarded to you, along with our firm's check in payment of all fees associated with this filing, within the delays allowed by law.

Thank you and should you have any questions, please do not hesitate to contact me.

Sincerely,


Thomas J. Cortazzo of
LEWIS BRISBOIS BISGAARD & SMITH LLP

TJC/rnn

Enclosures

cc: All counsel of record (via email)

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. 85926 DIVISION A

ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC - STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

ST. MARTIN PARISH

STATE OF LOUISIANA

MOTION FOR AND JUDGMENT OF DISMISSAL WITHOUT PREJUDICE

NOW COME Plaintiffs, Gilbert Dugas and Rachel Dugas, through undersigned counsel, and move to dismiss all petitions and claims against Pilot Travel Centers LLC (erroneously named in the Petitions "Pilot Travel Centers LLC-Store #274") and Ace American Insurance Company as insurer of Pilot Travel Centers LLC, ONLY, preserving all rights to proceed against all other defendants and parties in the above-entitled and numbered cause, without prejudice, each party to bear their own costs;

IT IS ORDERED, ADJUDGED AND DECREED that all plaintiffs' petitions and claims asserted against Pilot Travel Centers LLC and Ace American Insurance Company as insurer of Pilot Travel Centers LLC, ONLY, in the above-entitled and numbered cause are hereby DISMISSED WITHOUT PREJUDICE, each party to bear their own costs, reserving all rights of plaintiffs against all other defendants and parties.

JUDGMENT READ, RENDERED AND SIGNED at St. Martinville, Louisiana, on this ____ day of _____ 2018.

ANTHONY THIBODEAUX, JUDGE

Respectfully submitted,

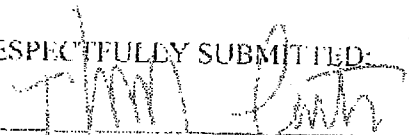
Broussard & David, LLC
557 Jefferson Street
P. O. Box 3524
Lafayette, LA 70502-3524

By: _____

Jerome H. Moroux
Robert A. Braham

ATTORNEYS FOR PLAINTIFFS

RESPECTFULLY SUBMITTED:

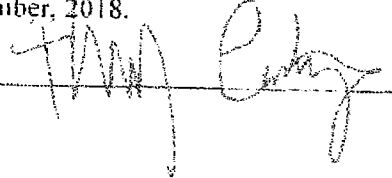


THOMAS J. CORTAZZO, T.A. (#18174)
DAKOTA K. CHENVERT (#37069)
JAMES V. KING (#36106)
LEWIS BRISBOIS BISGAARD & SMITH, LLP
400 Poydras Street, Ste. 1300
1100 Poydras Street
New Orleans, LA 70130
Telephone: (504) 322-4100
Facsimile: (504) 754-7569

Attorneys for defendants Pilot Travel Centers
LLC and Ace American Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on all parties through their counsel of record via e-mail and by placing same in the U.S. Mail, postage prepaid and properly addressed, this 19th day of September, 2018.



PLEASE SERVE:

Plaintiffs Gilbert and Rachel Dugas
through their counsel of record:
Mr. Jerome H. Moroux
Broussard & David, LLC
557 Jefferson Street
Lafayette, LA 70501

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: SEPT 19 2018

DESCRIPTION OF TRANSMISSION: PARTIAL DISMISSAL

FILED ON BEHALF OF: PILOT TRAVEL CENTER AND ACE AMERICAN INSURANCE

PERSON SIGNING PLEADING: THOMAS CORTAZZO

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BY:

Christie Segura

Deputy Clerk of Court

Confirmation faxed to number: 1-504-754-7569

Date confirmation faxed: September 20 2018

Amount due: \$ 150.00

[FILE]

Transmission Report

Date/Time09-20-201809:42:56 a.m.

Local ID 13373942240

Transmit Header TextLocal Name 1

St Martin Parish Clerk of CourtReceived SMP COC


This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID #: 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: SEPT 19 2018

DESCRIPTION OF TRANSMISSION: PARTIAL DISMISSAL

FILED ON BEHALF OF: PILOT TRAVEL CENTER AND ACE AMERICAN INSURANCE

PERSON SIGNING PLEADING: THOMAS CORTAZZO

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per L.A. R.S. 13:850.

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The record will contain the facsimile pleading, this confirmation and the original pleading. PLEASE ADD CASE NUMBER.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for

St. Martin Parish, Louisiana

BY: Christi Segura

Deputy Clerk of Court

Confirmation faxed to number: 1-504-754-7569

Date confirmation faxed: September 20 2018

Amount due: \$ 150.00

[FILE]

Total Pages Scanned : 1

Total Pages Confirmed : 1

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Abbreviations:

-S: Host send

-R: Host receive

-S: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

RP: Report

FF: Fax Forward

CP: Completed

FA: Fail

TU: Terminated by user

TS: Terminated by system

G3: Group 3

EC: Error Correct



Thomas J. Cortazzo
400 Poydras Street, Suite 1300
New Orleans, Louisiana 70130
Tom.Cortazzo@lewisbrisbois.com
Direct: 504.272.2789

September 25, 2018

16230.03

FILE

Via Federal Express

Becky Patin
Clerk of 16th JDC
St. Martin Parish
415 St. Martin Street
St. Martinville, LA 70582

Re: *Gilbert Dugas v. Ace American Insurance Company, et al*
16th JDC, St. Martin Parish, No. 85926, Div. A

Dear Ms. Patin:

Attached please find the original and three copies of the Motion for and Judgment of Dismissal Without Prejudice. Also attached is the Facsimile Transmission Confirmation and a firm check in the amount of \$150.00. Please return a conformed copy in the enclosed self-addressed, stamped envelope.

Thank you and should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Cortazzo', is written over the typed name.

Thomas J. Cortazzo of
LEWIS BRISBOIS BISGAARD & SMITH LLP

TJC/rrm

Enclosures

RECEIVED AND FILED

2018 SEP 26 AM 10:40

ARIZONA • CALIFORNIA • COLORADO • CONNECTICUT • FLORIDA • GEORGIA • ILLINOIS • INDIANA • KANSAS • KENTUCKY
LOUISIANA • MARYLAND • MASSACHUSETTS • MISSOURI • NEVADA • NEW JERSEY • NEW MEXICO • NEW YORK
NORTH CAROLINA • OHIO • OREGON • PENNSYLVANIA • RHODE ISLAND • TEXAS • WASHINGTON • WEST VIRGINIA

4848-4644-2867.1

FAX CONFIRMATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: SEPT 19 2018

DESCRIPTION OF TRANSMISSION: PARTIAL DISMISSAL

FILED ON BEHALF OF: PILOT TRAVEL CENTER AND ACE AMERICAN INSURANCE

PERSON SIGNING PLEADING: THOMAS CORTAZZO

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Chris Segura
Deputy Clerk of Court

Confirmation faxed to number: 1-504-754-7569

Date confirmation faxed: September 20 2018

Amount due: \$ 150.00

[FILE]

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. 85926 DIVISION A

ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

ST. MARTIN PARISH
STATE OF LOUISIANA

MOTION FOR AND JUDGMENT OF DISMISSAL WITHOUT PREJUDICE

NOW COME Plaintiffs, Gilbert Dugas and Rachel Dugas, through undersigned counsel, and move to dismiss all petitions and claims against Pilot Travel Centers LLC (erroneously named in the Petitions “Pilot Travel Centers LLC-Store #274”) and Ace American Insurance Company as insurer of Pilot Travel Centers LLC, ONLY, preserving all rights to proceed against all other defendants and parties in the above-entitled and numbered cause, without prejudice, each party to bear their own costs;

IT IS ORDERED, ADJUDGED AND DECREED that all plaintiffs’ petitions and claims asserted against Pilot Travel Centers LLC and Ace American Insurance Company as insurer of Pilot Travel Centers LLC, ONLY, in the above-entitled and numbered cause are hereby DISMISSED WITHOUT PREJUDICE, each party to bear their own costs, reserving all rights of plaintiffs against all other defendants and parties.

JUDGMENT READ, RENDERED AND SIGNED at St. Martinville, Louisiana, on this 26 day of September 2018.



ANTHONY THIBODEAUX, JUDGE

Keith R.J. Comeaux

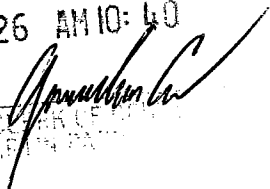
Respectfully submitted,

Broussard & David, LLC
557 Jefferson Street
P. O. Box 3524
Lafayette, LA 70502-3524

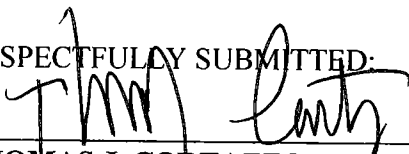
By: 

Jerome H. Moroux
Robert A. Brahan
ATTORNEYS FOR PLAINTIFFS

RECEIVED AND FILED
2018 SEP 26 AM 10:40


DEPUTY CLERK
ST. MARTIN PARISH

RESPECTFULLY SUBMITTED:

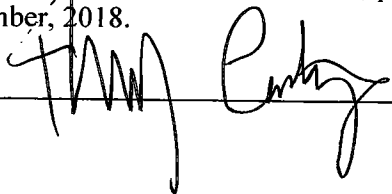


THOMAS J. CORTAZZO, T.A. (#18174)
DAKOTA K. CHENVERT (#37069)
JAMES V. KING (#36106)
LEWIS BRISBOIS BISGAARD & SMITH, LLP
400 Poydras Street, Ste. 1300
1100 Poydras Street
New Orleans, LA 70130
Telephone: (504) 322-4100
Facsimile: (504) 754-7569

**Attorneys for defendants Pilot Travel Centers
LLC and Ace American Insurance Company**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on all parties through their counsel of record via e-mail and by placing same in the U.S. Mail, postage prepaid and properly addressed, this 19th day of September, 2018.

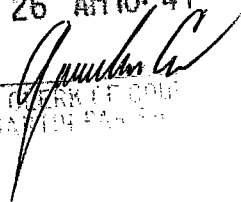


PLEASE SERVE:

Plaintiffs Gilbert and Rachel Dugas
through their counsel of record:
Mr. Jerome H. Moroux
Broussard & David, LLC
557 Jefferson Street
Lafayette, LA 70501

RECEIVED AND FILED

2018 SEP 26 AM 10:41



DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

THIS IS TO CERTIFY that on the 27TH day of SEPTEMBER, 2018, Notice of the signing of the MOTION FOR AND JUDGMENT OF DISMISSAL WITHOUT PREJUDICE in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on this 27TH day of SEPTEMBER, 2018.

CLERK OF COURT

BY: _____

Jordan Curran

Deputy Clerk of Court

TO:

**PLAINTIFFS, GILBERT AND RACHEL DUGAS
THROUGH THEIR COUNSEL OF RECORD:**

**MR. JEROME H. MOROUX
ATTORNEY AT LAW
557 JEFFERSON STREET
LAFAYETTE, LA 70501**

**THOMAS J. CORTAZZO
DAKOTA K. CHENVERT
JAMES V. KING
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 1300
1100 POYDRAS STREET
NEW ORLEANS, LA 70130**

**SEAN P. RABALAIS
ATTORNEY AT LAW
4000 SOUTH SHERWOOD FOREST BOULEVARD, SUITE 303
BATON ROUGE, LA 70816**

**SIDNEY W. DEGAN, III
RENEE F. SMITH AULD
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130**

TO: Sheriff

FROM: **Becky P. Patin**

Lafayette Parish

Clerk of Court, St. Martin Parish

P. O. Box 3508

P. O. Box 308, St. Martinville, LA 70582

Lafayette, LA 70502-3508

Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. 85926

PROBATE NO.

GILBERT DUGAS

VS.

ACE AMERICAN INSURANCE CO., ET AL

I AM ENCLOSING (1) CERTIFICATE, ALONG WITH TRUE COPIES OF THE MOTION FOR AND JUDGMENT OF DISMISSAL. FOR SERVICE ON GILBERT AND RACHEL DUGAS THROUGH THEIR COUNSEL OF RECORD, JEROME MOROUX. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice September 27, 2018

Jordan Currier
Deputy Clerk of Court

CERTIFICATE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

THIS IS TO CERTIFY that on the 27TH day of SEPTEMBER, 2018, Notice of the signing of the MOTION FOR AND JUDGMENT OF DISMISSAL WITHOUT PREJUDICE in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on this 27TH day of SEPTEMBER, 2018.

CLERK OF COURT

BY: *Jordan Curran*

Deputy Clerk of Court

TO:
PLAINTIFFS, GILBERT AND RACHEL DUGAS
THROUGH THEIR COUNSEL OF RECORD:
MR. JEROME H. MOROUX
ATTORNEY AT LAW
557 JEFFERSON STREET
LAFAYETTE, LA 70501

THOMAS J. CORTAZZO
DAKOTA K. CHENVERT
JAMES V. KING
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 1300
1100 POYDRAS STREET
NEW ORLEANS, LA 70130

SEAN P. RABALAIS
ATTORNEY AT LAW
4000 SOUTH SHERWOOD FOREST BOULEVARD, SUITE 303
BATON ROUGE, LA 70816

SIDNEY W. DEGAN, III
RENEE F. SMITH AULD
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130

TO: Sheriff	FROM: Becky P. Patin
<u>Lafayette Parish</u>	<u>Clerk of Court, St. Martin Parish</u>
<u>P. O. Box 3508</u>	<u>P. O. Box 308, St. Martinville, LA 70582</u>
<u>Lafayette, LA 70502-3508</u>	<u>Phone: 337-394-2210 Fax: 337-394-2240</u>

RE: SUIT NO. <u>85926</u>	PROBATE NO. _____
<u>GILBERT DUGAS</u>	_____
VS.	
<u>ACE AMERICAN INSURANCE CO., ET AL</u>	_____

I AM ENCLOSING (1) CERTIFICATE, ALONG WITH TRUE COPIES OF THE MOTION FOR AND JUDGMENT OF DISMISSAL. FOR SERVICE ON GILBERT AND RACHEL DUGAS THROUGH THEIR COUNSEL OF RECORD, JEROME MOROUX. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice	September 27, 2018	Jordan Currier Deputy Clerk of Court
----------------	--------------------	---

CERTIFICATE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



50

Case: 085926
Division: A
16th Judicial District Court
Parish of St. Martin
State of Louisiana

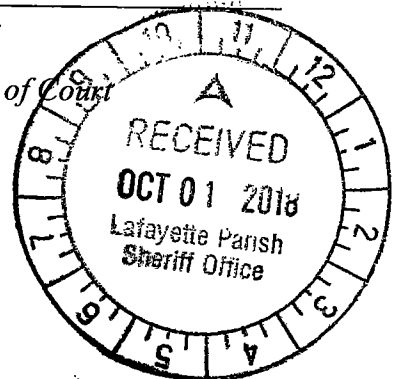
THIS IS TO CERTIFY that on the 27TH day of SEPTEMBER, 2018, Notice of the signing of the MOTION FOR AND JUDGMENT OF DISMISSAL WITHOUT PREJUDICE in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on this 27TH day of SEPTEMBER, 2018.

CLERK OF COURT

BY: Jordan Currier

Deputy Clerk of Court



TO:
PLAINTIFFS, GILBERT AND RACHEL DUGAS
THROUGH THEIR COUNSEL OF RECORD:
MR. JEROME H. MOROUX
ATTORNEY AT LAW
557 JEFFERSON STREET
LAFAYETTE, LA 70501

THOMAS J. CORTAZZO
DAKOTA K. CHENVERT
JAMES V. KING
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 1300
1100 POYDRAS STREET
NEW ORLEANS, LA 70130

SEAN P. RABALAIS
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4000 SOUTH SHERWOOD FOREST BOULEVARD, SUITE 303
BATON ROUGE, LA 70816

SIDNEY W. DEGAN, III
RENEE F. SMITH AULD
ATTORNEYS AT LAW
400 POYDRAS STREET, SUITE 2600
NEW ORLEANS, LA 70130

SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF DEPT.

DATE SERVED 10/2, 2018
SERVED JAMILIA 9:45 AM
PERSONAL (☒)
DEMAND () ON _____
UNABLE TO LOCATE () MOVED () NO SUCH ADDRESS ()
OTHER REASON _____
RECEIVED TO LATE FOR SERVICE ()
SERVICE OF WRITEN PAPERS
COSTS FEE \$ 30 MILEAGE \$ 15 TOTAL \$ 45
DEPUTY Boutin

10088

RECEIVED AND FILED

OCT 05 2018

Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

THOMAS J. CORTAZZO

BALDWIN HASPEL BURKE & MAYER, LLC

1100 POYDRAS ST., STE 3600

NEW ORLEANS, LA 70163

Date of Service: Tuesday, October 02, 2018

Number of Service: 1

Personal/Domiciliary: PER ON GILBERT AND RACHEL DUGAS THROUGH MR. JEROME H. MOROUX (JAMILIA)

Issued by the Clerk of Court on the 5TH day of OCTOBER, 2018.

Farren Truitt

Deputy Clerk of Court

Pleading Served
CERTIFICATE

CASLER, BORDELON, LAWLER & GELDER

Not a Partnership, Not a Corporation
Attorneys at Law
4000 S. Sherwood Forest Boulevard, Suite 303
Baton Rouge, LA 70816
Fax: (866) 516-8616

Sean P. Rabalais, Esq.
Direct Dial: (337) 347-0096
Email: Sean_P_Rabalais@Progressive.com
Legal Assistant: Kandice Dimaio-Moore
Direct Dial: (225) 663-4042
Email: kdimaio1@progressive.com

SALARIED EMPLOYEES OF
PROGRESSIVE CASUALTY
INSURANCE COMPANY

October 25, 2018

Clerk of Court
16th Judicial District Court for the Parish of St. Martin
P.O. Box 308
St. Martinville, LA 70582-0308

RE: Gilbert Dugas v. Ace American Insurance Company, et al
16th Judicial District Court, No.: 85926 - Division "A"
Matter/Claim No.: 165956988

Dear Sir or Madam:

Enclosed please find defendant, Progressive Security Insurance Company's *Motion to Compel and Incorporated Memorandum in Support* for filing in relation to the above referenced matter. Please present it to the Judge for a hearing date and signature and return a certified copy to my office in the stamped envelope provided herein. Also enclosed is my firm's check in the amount of \$300 to cover the cost of this request.

Kindly,



Sean P. Rabalais

SPR/ett

Enclosures

cc: Jerome H. Moroux, Esq. (w/encl.)
Thomas J. Cortazzo, Esq. (w/encl.)
Renee F. Auld, Esq. (w/encl.)

RECEIVED AND FILED
2018 OCT 29 AM 9:29
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO: 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

FILED: _____
CLERK

MOTION TO COMPEL and INCORPORATED MEMORANDUM IN SUPPORT

NOW INTO COURT, through undersigned counsel, comes mover, Progressive Security Insurance Company, pursuant to Rule 10.1 of the Rules of Civil Procedure, who respectfully moves to compel Plaintiff, Gilbert Dugas, to sufficiently respond to Interrogatories and Requests for Production of Documents propounded by Progressive.

Said discovery was served on November 1, 2017. (Exhibit 1, Interrogatories and Request for Production of Documents) On November 15, 2017, plaintiff responded to defendant Interrogatories and Request for Production of Documents (Exhibit 2). **However, the responses are wholly insufficient.** As emailed to plaintiff's attorney in the request for supplement, on September 14, 2018, specifically, the responses are deficient as follows:

Interrogatory #1 is missing current occupation and business occupation and occupation on date of accident, driver's license number and state of issuance, marital status, spouse's name, names and ages of all children, whether he is on SSDI etc.

Interrogatory #5 asks if Mr. Dugas has ever made a claim for personal injuries, worker's comp or SSDI either before or after the accident in the Petition and if so to describe (injuries, date, medical providers, lawsuit etc). Your response "Plaintiff recalls none." However, I see from your supplement (#5) to Renee Auld's discovery you list "he started receiving disability benefits in 2005 from a job related accident which occurred in 2003 while working at the Walmart Distribution Center in Ville Platte." Also listed in your supplement to Renee's discovery #7 Mr. Dugas states he had prior bulged disc/hip injury from 2003 and an auto accident in 2012 where he sustained injury to his shoulder, right leg and femur. (No medical providers are listed).

Interrogatory #9 asks if Mr. Dugas wore a brace, corset etc. Response is your default “refer to medical and billing records.”

Interrogatory #12 asks for Mr. Dugas employers for the last 5 years. (Response is “plaintiff is not making a claim for lost wages.” But its still relevant for various other reasons such as if he reported injury to prior employers.

Interrogatory #13 asks for Mr. Dugas’ accidents prior to or subsequent to our accident and asks for place date, all medical providers. Your response “Plaintiff recalls an automobile accident in 2012.” This doesn’t list medical providers or location. Also it doesn’t list his 2003 hip/disc injury

Interrogatory #15 asks for all physicians Mr. Dugas treated with EXCEPT those listed for our accident. Your response “Please refer to medical and billing records....” But no other medical providers are listed. Please supplement.

Importantly, my Interrogatory # 16 requests all medical providers who treated Gilbert Dugas in the 10 years prior to the accident. Your response was your boilerplate “Please refer to medical and billing records for dates of treatment, treatment given and diagnosis/prognosis.” But no prior medical records are included so this is insufficient. Please supplement to provide all of his medical providers in the 10 years before our accident.

Interrogatory #18 requests criminal history which is clearly discoverable. Your response “Objection the interrogatory is not calculated to lead to discoverable information is unacceptable.

Interrogatory #20 requests prior disabilities, physical impairments along with list of medical providers for the disability. Your response is the default “please refer to medical and billing records.” But no prior medical records are provided. Please supplement to include medical providers for his SSDI claim along with medical providers.

Interrogatory #22 requests the name of all schools attended. Your response "Plaintiff is not in possession of requested information" is clearly insufficient.

Additionally, counsel for Mover wrote to counsel for Plaintiff on September 26, 2018, pursuant to Rule 10.1 of the Rules of Civil Procedure, reminding counsel that discovery responses were incomplete. (Exhibit 2, Rule 10.1 letter with confirmation of delivery) A Rule 10.1 conference was scheduled for October 3, 2018 and held on October 3, 2018, wherein counsel agreed that responses to discovery would be received within 14 days/on or before October 19, 2018. As of this filing, supplemental responses from Plaintiff have not been received.

Plaintiff, Gilbert Dugas, should be ordered to pay reasonable expenses for Mover having to bring this Motion, plus attorney's fees in the amount of \$450.00. Accordingly, Mover is entitled, as a matter of law, to an Order requiring Plaintiff to reimburse costs of the filing of this Motion and to fully and completely respond to said discovery requests in accordance with the law within ten (10) days of the hearing of this Motion, under the penalty of dismissal of Plaintiff's Petition for Damages, and at such time awarding Mover reasonable attorney's fees in the amount of \$450.00 and additional costs for enforcing same.

WHEREFORE, Mover prays that this Honorable Court issue an Order to Plaintiff, Gilbert Dugas, commanding a hearing within a time to be fixed by this Honorable Court and commanding Plaintiff to fully and completely respond to the said discovery in accordance with the law within ten (10) days of the hearing of this Motion; and in default thereof, the instant suit be dismissed with prejudice, Plaintiff to bear all costs, including but not limited to reasonable attorney's fees and costs for bringing this Motion in accordance with Code of Civil Procedure Article 1469.

CERTIFICATE OF SERVICE

I hereby certify that I have on this 29th day of October, 2018, served a copy of the foregoing on counsel for all parties to this proceeding by mailing a copy of same by electronic mail, U. S. Mail, postage pre-paid and/or transmitting via facsimile.



Sean P. Rabalais

Respectfully submitted,

CASLER, BORDELON, LAWLER & GELDER



SEAN P. RABALAIS (LSBA #28410)

4000 S. Sherwood Forest Boulevard, Suite 303
Baton Rouge, LA 70816

Direct Dial: (337) 347-0096

Fax: (866) 516-8616

Attorney for defendant,

Progressive Security Insurance Company

RECEIVED AND FILED

2018 OCT 29 AM 9:29

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO: 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

FILED: _____
CLERK

ORDER/RULE TO SHOW CAUSE

Considering the foregoing Motion, let Plaintiff, Gilbert Dugas, appear and show cause before this Court on the 5th day of December, 2018 at 10:00 o'clock A.m., why *asa 7th filing* he should not be required to produce the documents requested and to answer the Interrogatories propounded by Defendant, Progressive Security Insurance Company, and why the other relief prayed for should not be granted.

St. Martinville, Louisiana, this 30th day of October, 2018.

[Signature]
The Honorable, Anthony Thibodeaux

Anthony Thibodeaux

PLEASE SERVE:

Gilbert Dugas

Through attorney:

Renee F. Smith Auld, Esq.

557 Jefferson Street

Lafayette, LA 70501

RECEIVED AND FILED

2018 OCT 29 AM 9:29

[Signature]
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO: 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

FILED: _____
CLERK

RULE 10.1 CERTIFICATE OF CONFERENCE

I, the undersigned attorney, certify to the court as follows:

On November 1, 2017, Mover served written Interrogatories and a Request for Production of Documents upon Plaintiff, Gilbert Dugas.

On September 26, 2018, counsel for Mover wrote to counsel for Plaintiff, reminding counsel that discovery responses were insufficient.

The parties or counsel personally conducted a conference on October 3, 2018. At this conference, there was a substantive discussion of every item presented to the court in this motion and, despite their best efforts, the parties or counsel were unable to resolve the matters presented.

As of this filing, more complete and definite responses from Plaintiff have not been received.

Respondent or counsel has failed to respond or failed to confer in good faith in an attempt to resolve the matters presented.

Certified this 24th day of October, 2018.



Sean P. Rabalais

RECEIVED AND FILED

2018 OCT 29 AM 9:30


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

BROUSSARD DAVID

JUSTICE. OBTAINED.

Jerome H. Moroux
A Professional Law Corporation

Attorneys At Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

(337)233-2323 Telephone
(337)233-2353 Fax
(888) 337-2323 Toll Free

November 9, 2017

Via Certified Mail # 7017 0530 0000 7919 5022 / Return Receipt Requested

Sean P. Rabalais

CASLER, BORDELON, LAWLER & GELDER

11550 Newcastle Avenue, Suite 200

Baton Rouge, LA 70816

RECEIVED
11-13-17

Re: Gilbert Dugas versus Ace American Insurance Company, et al
Docket Number: 85926A / 16th JDC / St. Martin Parish

Dear Sean:

Please find enclosed Answers to Interrogatories and Responses to Requests for Production of Documents propounded by Defendant, Progressive Security Insurance Company, on behalf of Plaintiff, Gilbert Dugas, regarding the above-referenced matter.

With kind regards, I am

Yours truly,

JEROME H. MOROUX

JHM:nt
Enclosures

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 85926A

ACE AMERICAN INSURANCE COMPANY,
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

ST. MARTIN PARISH
STATE OF LOUISIANA

**ANSWERS TO INTERROGATORIES AND
RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, GILBERT DUGAS, who for Answers to Interrogatories and Responses to Requests for Production of Documents propounded by Defendant, PROGRESSIVE SECURITY INSURANCE COMPANY, respectfully represents:

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1

Please state the following:

- a. Your full legal name and any other names you are or have been known by;
- b. Your date and place of birth;
- c. Your gender;
- d. Your Social Security number;
- e. Your present residence address;
- f. Your business address and current occupation as well as your occupation on the date of the accident sued upon herein;
- g. Your driver's license number and issuing state;
- h. Your marital status;
- i. Your spouse's name;
- j. The names and ages of all children.

In addition, please answer the following pursuant to the mandatory Medicare Reporting Requirements pursuant to §111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 ("MMSEA") (P.L. 110-173) and as codified in 42 U.S.C. 1395y(b)(7)-(8):

- a. Your social security number;
- b. Whether you presently receive Medicare/Medicaid benefits or have applied to receive said benefits. If in the affirmative, for what condition do you receive or have applied for said benefits;

- c. Whether you have a Medicare/Medicaid card and/or a Health Insurance Claim Number. If in the affirmative, identify the card number and/or the Health Insurance Claim Number;
- d. Whether you have been receiving Social Security Disability Insurance ("SSDI") benefits for the past twenty-four (24) months. If in the affirmative, for what condition; and
- e. Whether you presently suffer from End Stage Renal Failure or Amyotrophic Lateral Sclerosis ("ALS").

ANSWER

Gilbert Dugas

DOB: 11/04/1962

SSN: 433-23-9239

1028 Pete Broussard Road, Breaux Bridge, LA 70517

Plaintiff receives Medicare benefits.

INTERROGATORY NO. 2

Kindly describe in detail the nature, extent and exact location of the injuries claimed to have been sustained by you as a result of the alleged incident and if permanent injuries are claimed, state the nature of same and how they manifest themselves.

Please further describe any pain, discomfort, limitations or disability that you currently have, and describe the nature, frequency, intensity of same, and the extent to which it affects your normal activities.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 3

Did you file federal income tax returns for the last five years? If you did not file a return for any year during this period, then state the reasons you did not file a return. If you filed a return for any year during this period, then state for each year you filed a return and the amount of your reported gross income from wages and/or earnings.

ANSWER

Plaintiff is not making a claim for lost wages.

INTERROGATORY NO. 4

Please state the date or dates you claim you were prevented from performing the duties of your profession, employment or business by reason of your alleged injuries, and the amount of earnings

or income that is claimed by you to have been lost as a result of the accident described in your Petition, and the method which you have used in calculating said amount.

ANSWER

Plaintiff is not making a claim for lost wages.

INTERROGATORY NO. 5

Have you ever made a claim for yourself for personal injuries, Worker's Compensation, or Social Security disability benefits, either prior to or subsequent to the accident described in your Petition? If so, describe the nature of the injuries or condition, the date of the injury or onset of the condition, the name of each health care provider that treated you for the same, and if you filed a lawsuit regarding the same, then give the name of the court, the number of the case, and the disposition of the case.

ANSWER

Plaintiff recalls none.

INTERROGATORY NO. 6

Please give the name and address of each person known or believed by you or your attorney to have witnessed the accident described in your Petition and the name and address of each person known or believed by you or your attorney to have arrived at the scene within thirty minutes of its occurrence and identify each as an eye witness or an after-the-fact witness.

ANSWER

Please refer to the Breaux Bridge Police Department Incident Report.

INTERROGATORY NO. 7

Please give the name and address of each person, lay and expert, that you, through your attorney, may reasonably call as a witness to testify at the trial of this case and, if the person is an expert, state the area of his/her expertise.

ANSWER

This information will be provided in accordance with this Honorable Court's Scheduling Order.

INTERROGATORY NO. 8

Give the names and addresses of any and all physicians, chiropractors, dentists, therapists, psychiatrists, psychologists, medical practitioners, other health care providers, hospitals, pharmacies and/or medical institutions who have examined, treated and/or rendered service upon you as a result of the accident complained of in the Petition and give the first date and the last date on which you were examined and/or treated by each. DO NOT RESPOND WITH "PLEASE SEE

ATTACHED RECORDS." RATHER, LIST YOUR PROVIDERS INDIVIDUALLY, WITH NAME AND ADDRESS, AND INDICATE WHETHER YOU ARE STILL TREATING.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 9

If you wore a brace, corset, cervical collar, support, cast or used crutches or any other type of orthopedic appliance or medical device, please give the name of the person who prescribed it, and the period of time that you used it.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 10

Give an itemized list of all expenses incurred and losses sustained by you as a result of the accident and injuries described in your Petition and identify each expense and loss by the name of the party with whom it was incurred or sustained, the service or product provided or lost, and the amount, if any, for which you were reimbursed to any extent for said cost or loss.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 11

Please give the names and addresses of all of your employers during the last five years and state the dates of employment, rate of pay for each, job duties, name of direct supervisor and reason for leaving.

ANSWER

Plaintiff is not making a claim for lost wages.

INTERROGATORY NO. 12

Please state, in accordance with Louisiana C.C.P. Article 893, the amount of general damages, which you are seeking in this lawsuit.

ANSWER

Objection. Premature. Plaintiff is currently treating for injuries sustained in the accident and Plaintiff's quantum of damages is not yet known.

INTERROGATORY NO. 13

Have you been involved in any accidents of any type or nature prior to or subsequent to the accident described in your Petition and if so, please state the place of the accident, date of the accident, injuries received in such accident, the name of each and every doctor, hospital and/or medical institution that treated or examined you for injuries received in said accident.

ANSWER

Plaintiff recalls an automobile accident in 2012.

INTERROGATORY NO. 14

Please state whether or not you have ever been hospitalized prior to or subsequent to the complained of accident, other than referred to in previous answers and if yes, please state the name and address of all such hospitals, clinics or other medical institutions, the dates during which you were confined, the nature of your illness, disease or injury, and the names and addresses of all doctors that treated you during such confinement.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 15

Please list the name, address, specialty, and reasons for consulting any and all physicians who had occasion to examine and/or treat you since the date of the incident described in your Petition with the exception of those physicians listed in your answers to the preceding interrogatories.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 16

Please list the name, address, specialty, and reason for consulting any and all physicians, chiropractors, dentists, therapists, psychiatrists, psychologists, medical practitioners, pharmacies or other health care providers who had occasion to examine, treat and/or render service upon you

during the ten-year period immediately preceding the date of the incident described in your Petition, and give the approximate date on which you were examined and/or treated by each.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 17

If you have been involved in any other lawsuits, either as a plaintiff or a defendant, state the court in which the action was filed, the number of the action, the approximate date of which it was filed, and the nature or purpose of the lawsuit.

ANSWER

Plaintiff recalls none.

INTERROGATORY NO. 18

If you have been arrested for any crime, other than a traffic violation, then state the nature of the crime, the date on which you were arrested, the city and state in which you were arrested, and the disposition of the charge against you.

ANSWER

Objection. The Interrogatory is not calculated to lead to discoverable information.

INTERROGATORY NO. 19

If you consumed any alcoholic beverage or took any type of medication during the twelve (12) hours immediately preceding the incident described in your Petition, then state the nature, amount and type of item consumed, the time it was consumed, and the names and addresses of all persons who have any knowledge as to consumption of these items.

ANSWER

Plaintiff recalls none.

INTERROGATORY NO. 20

If before the date of the automobile accident in this case you had any disabilities, physical impairments, disfigurements, physical limitations, including but not limited to vision, then describe the nature and extent of the disability, limitation or impairment, the length of time you had it, the effect of it on your daily activities, and the name and address of all medical practitioners who treated or evaluated you concerning it.

ANSWER

Please refer to medical and billing records for dates of treatment, treatment given, and diagnosis/prognosis. Additionally, please refer to the Limited Authorizations for Release of Protected Health Information. Plaintiff reserves the right to supplement this Answer.

INTERROGATORY NO. 21

Do you or your attorneys have or know of any photographs, video tapes, movies, or drawings of the scene of the accident described in your Petition, the vehicles involved in the accident, or any of the persons injured in the accident? If so, describe the item, the date made, and that which it depicts.

ANSWER

Plaintiff is not in possession of the requested information.

INTERROGATORY NO. 22

State the name and address of each high school, college, or educational institution including vocation, technical or trade schools you have attended and give the dates of attending each.

ANSWER

Plaintiff is not in possession of the requested information.

INTERROGATORY NO. 23

Please state with specificity your version of how this accident happened.

ANSWER

Please refer to the Breaux Bridge Police Department Incident Report, Petition, and First Supplemental and Amending Petition

INTERROGATORY NO. 24

Please identify, by name and address, all persons with whom you spoke during the 60 minutes following and preceding the subject accident.

ANSWER

Please refer to the Breaux Bridge Police Department Incident Report.

INTERROGATORY NO. 25

Please provide the name, address and telephone number of all persons from whom statements have been taken by you or anyone on your behalf and indicate when the statement was taken, whether it was recorded or preserved and by whom it was taken.

ANSWER

Plaintiff is not in possession of the requested information.

PCL XL error
Error: IllegalOperatorSequence
Operator: ReadImage
Position: 1046

CASLER, BORDELON, LAWLER & GELDER

Not a Partnership, Not a Corporation

Attorneys at Law

4000 S. Sherwood Forest Boulevard, Suite 303

Baton Rouge, LA 70816

Fax: (866) 516-8616

Sean P. Rabalais, Esq.

Direct Dial: (337) 347-0096

Email: Sean_P_Rabalais@Progressive.com

Legal Assistant: Kandice Dimaio-Moore

Direct Dial: (225) 663-4042

Email: kdimaio1@progressive.com

SALARIED EMPLOYEES OF
PROGRESSIVE CASUALTY
INSURANCE COMPANY

September 26, 2018

VIA FAX ONLY: (337) 233-2353

Jerome H. Moroux, Esq.

Broussard & David

P. O. Box 3524

Lafayette, LA 70502

RE: **Gilbert Dugas v. Ace American Insurance Company, et al**

16th Judicial District Court for St. Martin Parish No.: 85926 - Division "A"

Matter/Claim No.: 165956988

Dear Mr. Moroux:

As of the date of this letter, our office has not received any response regarding the Supplemental Interrogatories and Request for Production of Documents we have previously propounded to your client, Gilbert Dugas. Pursuant to Rule 10.1, we are scheduling a telephone discovery conference to be initiated by our office on **October 3, 2018 at 10:00 a.m.** **If this date and time is not convenient for you, please contact our office immediately and we would be happy to select a mutually convenient date and time.**

Should you not contact our office for a mutually convenient date or participate in the above scheduled Rule 10.1 conference, we will be left with no other option but to file a Motion to Compel Discovery.

Please contact our office or legal assistant Kandice Dimaio-Moore at (225) 663-4042 with any questions.

Very truly yours,

Ester T. Trepagnier

Ester T. Trepagnier,

Assistant for Sean P. Rabalais

/ett

Details

-- ETR5BAB443610F2 -----	
8:32 AM 9/26/2018 Conversion Record	
[[26352318] DRAFT Our Ltr to Atty Setting 10.1 Disc (Plt Supp).pdf]	
Type: application/pdf	
G3 to TIFF attempt 1: Success (50ms)	
GhostScript TIFF attempt 1: Success (694ms)	
(SCRFXP02:WORKSRV1)	
8:32 AM 9/26/2018 Transmission Record	
Sent to: Jerome H. Moroux	
Phone: 3372332353	
Billing information: ", "	
Remote ID: 3372332353	
Unique ID: "ETR5BAB443610F2"	
Elapsed time: 1 minutes, 14 seconds.	
Used channel 14 on server "SCRDTP02".	
No ANI data.	
No AOC data.	
Resulting status code (0/339; 0/0): Success	
Pages sent: 1 - 1	
Delegate ID: ""	

CITATION RULE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

GILBERT DUGAS
THROUGH ATTORNEY:
JEROME H. MOROUX
557 JEFFERSON STREET
LAFAYETTE, LA 70501

of LAFAYETTE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 5TH day of DECEMBER, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of OCTOBER 30, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 31ST day of OCTOBER, 2018.

Jordan Cunniff

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:

SEAN P. RABALAIS

ATTORNEY FOR: PROGRESSIVE SECURITY INSURANCE COMPANY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____.

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

TO: Sheriff	FROM: Becky P. Patin
<u>Lafayette Parish</u>	<u>Clerk of Court, St. Martin Parish</u>
<u>P. O. Box 3508</u>	<u>P. O. Box 308, St. Martinville, LA 70582</u>
<u>Lafayette, LA 70502-3508</u>	<u>Phone: 337-394-2210 Fax: 337-394-2240</u>

RE: SUIT NO. <u>85926</u>	PROBATE NO. _____
---------------------------	-------------------

<u>GILBERT DUGAS</u>	_____
----------------------	-------

VS.	
<u>ACE AMERICAN INSURANCE CO., ET AL</u>	_____

I AM ENCLOSING (1) CITATION RULE, ALONG WITH TRUE COPIES OF THE MOTION TO COMPEL. FOR SERVICE ON GILBERT DUGAS THROUGH JEROME H. MOROUX. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice	October 31, 2018	Jordan Currier Deputy Clerk of Court
----------------	------------------	---

NOTICE OF FIXING CASE FOR TRIAL

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

JEROME H. MOROUX

ATTORNEY AT LAW

P.O. BOX 3524

LAFAYETTE, LA 70502

RENEE' F. SMITH AULD

ATTORNEY AT LAW

400 POYDRAS STREET, SUITE 2600

NEW ORLEANS, LA 70130

SEAN P. RABALAIS

ATTORNEY AT LAW

4000 S. SHERWOOD FOREST BLVD., STE. 303

BATON ROUGE, LA 70816

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the MOTION TO COMPEL on DECEMBER 5, 2018, at 10:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge ANTHONY THIBODEAUX as a 7TH fixing.

Uniform Rules requires that you file for all exceptions, motions and motion for summary judgments a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 31ST day of OCTOBER, 2018.

BECKY P. PATIN

Clerk of Court

St. Martin Parish

BY:

Jordan Curran

Deputy Clerk of Court

CITATION RULE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



50

Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

GILBERT DUGAS
THROUGH ATTORNEY:
JEROME H. MOROUX
557 JEFFERSON STREET
LAFAYETTE, LA 70501

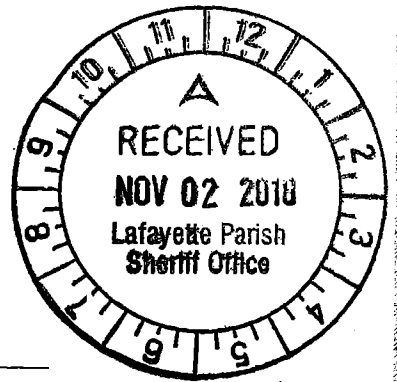
of LAFAYETTE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 5TH day of DECEMBER, 2018 at 10:00o'clock A.M. why the rule issued by this Court under date of OCTOBER 30, 2018, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 31ST day of OCTOBER, 2018.

Jordan Curran

Deputy Clerk of Court, St. Martin Parish, LA.



REQUESTED BY:

SEAN P. RABALAIS

ATTORNEY FOR: PROGRESSIVE SECURITY INSURANCE COMPANY

Service Information

Received on the 2 day of November, 20 18 and on the 5 day of November, 20 18 served the above named party as follows:

Personal Service on the party herein named JAMILA 9:26 AM
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20 _____.

Service \$ 30Mileage \$ 15Total \$ 45

By:

Deputy Sheriff

DB Borden 10088

RECEIVED AND FILED

NOV 20 2018

Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

NOTICE OF SERVICE

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

SEAN P. RABALAIS

CASLER, BORDELON & LAWLER

4000 S. SHERWOOD FOREST BLVD., STE. 303

BATON ROUGE, LA 70816

Date of Service: Monday, November 05, 2018

Number of Service: 1

Personal/Domiciliary: PER ON GILBERT DUGAS THROUGH JEROME H. MOROUX (JAMILA)

Issued by the Clerk of Court on the 20TH day of NOVEMBER, 2018.

Deputy Clerk of Court

Pleading Served
CITATION RULE

DECEMBER 5, 2018

STATE OF LOUISIANA

PARISH OF ST. MARTIN

THE COURT MET THIS DAY IN COURTROOM 1 WITH THE HONORABLE ANTHONY THIBODEAUX JUDGE PRESIDING. ALSO PRESENT WAS THE COURT REPORTER, KATHLEEN HEBERT. THE MINUTE CLERK ON THIS DAY WAS GABRIELLE NOEL.

Case #: 085926

GILBERT DUGAS, ET AL

VERSUS

ACE AMERICAN INSURANCE COMPANY, ET AL

THIS MATTER WAS SCHEDULED ON TODAY'S DOCKET FOR A MOTION TO COMPEL; HOWEVER, WAS NOT ADDRESSED IN OPEN COURT. NO PARTIES WERE PRESENT NOR REPRESENTED BY COUNSEL.

I Gabrielle Noel, DEPUTY CLERK OF COURT, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT MINUTE EXTRACT.

**BROUSSARD
DAVID**

Jerome H. Moroux
A Professional Law Corporation

JUSTICE. OBTAINED.
Attorneys At Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

(337)233-2323 Telephone
(337)233-2353 Fax
(888) 337-2323 Toll Free

March 20, 2019

Via Facsimile – 337-394-2240 & U.S. Mail

St. Martin Parish Clerk of Court
415 St. Martin Street
P.O. Box 308
St. Martinville, LA 70582

FILE

Re: Gilbert Dugas versus Ace American Insurance Company, CRST Expedited Inc.,
Mark Strauss, Pilot Travel Centers LLC – Store #274, ABC Insurance Company,
and Progressive Security Insurance Company
St. Martin Parish, Cause No. 85926-A

Dear Clerk:

Please have the original Petition, Interrogatories and Request for Production of Documents regarding the above captioned case served of the following defendant:

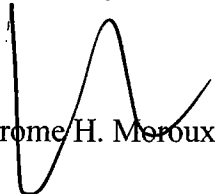
**Mark Strauss
79740 Camelback Dr.
Bermuda Dunes, CA 92203-1431**

Please file this correspondence into the record, conform the extra copy and return to my office. **Lastly, once service has been made, please forward a service return to my office.** A copy of same has been forwarded to all known parties via U.S. Mail, properly addressed, postage prepaid.

Thank you for your attention and cooperation in this matter.

With kind regards, I am,

Yours truly,


Jerome H. Moroux

JHM/mrm
Enclosures

cc: Ms. Renee Auld

RECEIVED AND FILED

2019 MAR 22 AM 9:17


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CITATION

DUGAS, GILBERT - ET AL

Versus

ACE AMERICAN INSURANCE COMPANY - ET AL



Case: 085926

Division: A

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

MARK STRAUSS
79740 CAMELBACK DR.
BERMUDA DUNES, CA 92203-1431

VIA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the PETITION, INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within thirty (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 25TH day of MARCH, 2019.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Jordan Currier

Deputy Clerk of Court

REQUESTED BY:
JEROME H. MOROUX
ATTORNEY FOR: GILBERT DUGAS

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

TO: JEROME H. MOROUX	FROM: Becky P. Patin
ATTORNEY AT LAW	Clerk of Court, St. Martin Parish
P.O. BOX 3524	P. O. Box 308, St. Martinville, LA 70582
LAFAYETTE, LA 70502-3524	Phone: 337-394-2210 Fax: 337-394-7772

RE: SUIT NO. 85926	PROBATE NO.
GILBERT DUGAS	
VS.	
ACE AMERICAN INSURANCE COMPANY, ET AL	

I AM ENCLOSING (1) CITATION, ALONG WITH TRUE COPIES OF THE PETITION. FOR SERVICE ON MARK STRAUSS THROUGH THE LOUISIANA LONG ARM STATUTE.

Date of Notice	March 25, 2019	Jordan Currier Deputy Clerk of Court
----------------	----------------	---

CASLER, BORDELON, LAWLER & GELDER

Not a Partnership, Not a Corporation

Attorneys at Law

4000 S. Sherwood Forest Boulevard, Suite 303

Baton Rouge, LA 70816

Fax: (866) 516-8616

Sean P. Rabalais, Esq.

Direct Dial: (337) 347-0096

Email: Sean_P_Rabalais@Progressive.com

Legal Assistant: Kandice Dimaio-Moore

Direct Dial: (225) 663-4042

Email: kdimaio1@progressive.com

SALARIED EMPLOYEES OF
PROGRESSIVE CASUALTY
INSURANCE COMPANY

March 20, 2019

Clerk of Court,
16th Judicial District Court for the Parish of St. Martin
P.O. Box 308
St. Martinville, LA 70582-0308

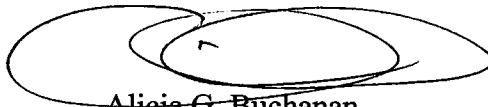
FILE

RE: Gilbert Dugas v. Ace American Insurance Company, et al
16th Judicial District Court for St. Martin Parish No.: 85926
Matter/Claim No.: 165956988

Dear Sir or Madam:

Enclosed please find an original *Partial Motion and Order to Dismiss with Prejudice and with Reservation of Rights* for filing into the record of the above referenced matter. Please forward the *Motion* to Judge Anthony Thibodeaux for consideration and signing and return a certified copy to our office in the self-addressed and stamped envelope provided herein for your convenience. It is my understanding that we have enough money on the docket to cover the associated fees. Please refund any remaining funds on deposit in a check **made payable to Progressive Security Insurance Company.**

Very truly yours,



Alicia G. Buchanan,
Admin. Assistant for Sean P. Rabalais

/AGB

Enclosure(s)

RECEIVED AND FILED

2019 MAR 25 AM 9: 56

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH

STATE OF LOUISIANA

NO. 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

**PARTIAL MOTION and ORDER TO DISMISS WITH PREJUDICE AND WITH
RESERVATION OF RIGHTS**

NOW INTO COURT, through undersigned counsel, comes plaintiff, Gilbert Dugas, upon suggesting to this Honorable Court that he wishes to dismiss Progressive Security Insurance Company only, reserving his right to proceed against all other parties (named and unnamed), and respectfully requests that this Honorable Court dismiss said suit against Progressive Security Insurance Company only, with prejudice allowing each party to bear its own costs.

ORDER

Considering the above and foregoing;

IT IS ORDERED, ADJUDGED AND DECREED that plaintiff Gilbert Dugas' suit as against Progressive Security Insurance Company only, be and is hereby dismissed with prejudice allowing each party to bear its own costs and allowing plaintiff to reserve their rights to proceed against all other parties (named and unnamed).

St. Martinville, Louisiana, this 26th day of March, 2018.


The Honorable, Anthony Thibodeaux

Respectfully submitted,

Broussard & David

Anthony Thibodeaux


Jerome H. Moroux (LSBA# #32666)

P. O. Box 3524

557 Jefferson Street (70501)

Lafayette, LA 70502

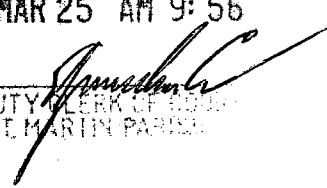
Telephone: (337) 233-2323

Fax: (337) 233-2353

Counsel of Record for Plaintiff, Gilbert
Dugas

RECEIVED AND FILED

2019 MAR 25 AM 9:56


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE

GILBERT DUGAS

STATE OF LOUISIANA

Vs. NO. 85926

16th JUDICIAL DISTRICT COURT

ACE AMERICAN INSURANCE COMPANY,
ET AL

PARISH OF ST. MARTIN

THIS IS TO CERTIFY that on MARCH 27, 2019, Notice of the signing of the PARTIAL MOTION AND ORDER TO DISMISS WITH PREJUDICE AND WITH RESERVATION OF RIGHTS in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on MARCH 27, 2019.

CLERK OF COURT

BY:


DEPUTY CLERK OF COURT

JEROME H. MOROUX
ATTORNEY AT LAW
P.O. BOX 3524
LAFAYETTE, LA 70502-3524

SIDNEY W. DEGAN, III
RENEE F. SMITH AULD
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BATON ROUGE, LA 70816

16TH JUDICIAL DISTRICT COURT FOR ST. MARTIN PARISH
STATE OF LOUISIANA

NO. 85926

DIVISION: "A"

GILBERT DUGAS

VERSUS

ACE AMERICAN INSURANCE COMPANY, CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC-STORE #274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

**PARTIAL MOTION and ORDER TO DISMISS WITH PREJUDICE AND WITH
RESERVATION OF RIGHTS**

NOW INTO COURT, through undersigned counsel, comes plaintiff, Gilbert Dugas, upon suggesting to this Honorable Court that he wishes to dismiss Progressive Security Insurance Company only, reserving his right to proceed against all other parties (named and unnamed), and respectfully requests that this Honorable Court dismiss said suit against Progressive Security Insurance Company only, with prejudice allowing each party to bear its own costs.

ORDER

Considering the above and foregoing;

IT IS ORDERED, ADJUDGED AND DECREED that plaintiff Gilbert Dugas' suit as against Progressive Security Insurance Company only, be and is hereby dismissed with prejudice allowing each party to bear its own costs and allowing plaintiff to reserve their rights to proceed against all other parties (named and unnamed).

St. Martinville, Louisiana, this 26th day of March, 2018.


The Honorable, Anthony Thibodeaux

Respectfully submitted,

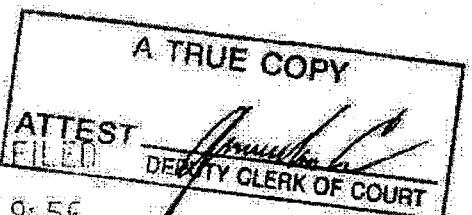

Broussard & David

Jerome H. Moroux (LSBA# #32666)
P. O. Box 3524
557 Jefferson Street (70501)
Lafayette, LA 70502
Telephone: (337) 233-2323
Fax: (337) 233-2353
Counsel of Record for Plaintiff, Gilbert
Dugas

Anthony Thibodeaux

RECEIVED AND FILED

2019 MAR 25 AM 9:56



CERTIFICATE

GILBERT DUGAS

STATE OF LOUISIANA

Vs. NO. 85926

16th JUDICIAL DISTRICT COURT

ACE AMERICAN INSURANCE COMPANY,
ET AL

PARISH OF ST. MARTIN

THIS IS TO CERTIFY that on MARCH 27, 2019, Notice of the signing of the PARTIAL MOTION AND ORDER TO DISMISS WITH PREJUDICE AND WITH RESERVATION OF RIGHTS in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on MARCH 27, 2019.

CLERK OF COURT

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DEPUTY CLERK OF COURT

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RECEIVED
MAR 28 2019

BROUSSARD
DAVID

Jerome H. Moroux
A Professional Law Corporation

JUSTICE OBTAINED
Attorneys At Law
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Lafayette, Louisiana 70502-3524

(337) 234-2323 Telephone
(337) 234-2353 Fax
(337) 437-2423 E-Mail

RSA
353-10961
Rec'd 5/14/19

May 6, 2019

St. Martin Parish Clerk of Court
415 St. Martin Street
P.O. Box 308
St. Martinville, LA 70582

Re: Gilbert Dugas versus Ace American Insurance Company, CRSI Expedited Inc.,
Mark Strauss, Pilot Travel Centers LLC - Store #274, ABC Insurance Company,
and Progressive Security Insurance Company
St. Martin Parish, Cause No. 85926-A

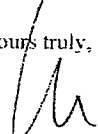
Dear Clerk:

Please find enclosed one original and one copy of the Affidavit of Mark Strauss, which I ask that you file into the record of the above captioned case. Please stamp the extra copy and return to my office for filing.

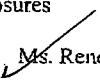
Thank you for your attention and cooperation in this matter.

With kind regards, I am

Yours truly,


Jerome H. Moroux

JHM/jbd
Enclosures

cc:  Ms. Renee Auld

GILBERT DUGAS

16TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 85926A

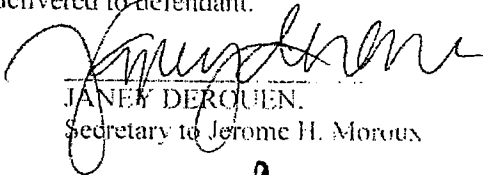
ACE AMERICAN INSURANCE COMPANY, ST. MARTIN PARISH
CRST EXPEDITED INC., MARK STRAUSS,
PILOT TRAVEL CENTERS LLC – STORE STATE OF LOUISIANA
#274, AND PROGRESSIVE SECURITY
INSURANCE COMPANY

STATE OF LOUISIANA

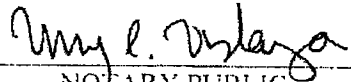
PARISH OF LAFAYETTE

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared JANEY DEROUEN, Secretary to Jerome H. Moroux, at the law firm of Broussard & David, Post Office Box 3524, Lafayette, LA 70502, who, after being duly sworn, said that on April 2, 2019 she served a certified copy of the Citation and Petition in this action under the Louisiana Long Arm Statute, Revised Statute 13:3201, by mailing them to the defendant, Mark Strauss, by certified mail, return receipt requested, properly addressed and postage prepaid; that on April 16, 2019 the Citation and Petition were delivered and received by defendant, Mark Strauss; that she received the postal receipt attached hereto indicating that same had been delivered to defendant.


JANEY DEROUEN,
Secretary to Jerome H. Moroux

SWORN TO AND SUBSCRIBED before me, Notary, this 9 day of May, 2019.


NOTARY PUBLIC
Amy Andaya
#143976

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
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OFFICIAL MAIL

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☐ Extra Services & Fees (check box, add fee if appropriate)
☐ Return Receipt (hardcopy)
☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery
Postage \$
Total Postage and Fees \$

Sent To
Mr. Mark Strauss
Street and Apt. No. or P.O. Box No.
79740 Camelback Drive
City, State, ZIP+4[®]
Bermuda Dunes, CA 92203-1431
PS Form 3811, April 2015 PSN 7530-02-000-9053
See Reverse for Instructions

TEEE 420T T000 000T 2T02

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 4.16.19</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <p>Mr. Mark Strauss 79740 Camelback Drive Bermuda Dunes, CA 92203-1431</p> <p> 9590 9402 4044 8079 3322 37</p>	<p>3. Service Type</p> <table><tbody><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express[®]</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail[™]</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail[®]</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation[™]</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></tbody></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express [®]	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail [™]	<input checked="" type="checkbox"/> Certified Mail [®]	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation [™]	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from carrier label)</p> <p>7017 1000 0001 1024 3331</p>																	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt																